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Legislative Assembly of Ontario

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Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 15 December 2004

Mercredi 15 décembre 2004

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 15 December 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 15 décembre 2004

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ATOMIC ENERGY OF CANADA LTD

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): I recently had the opportunity to visit the Atomic Energy of Canada Ltd facility in Chalk River in my riding of Renfrew-Nipissing-Pembroke. It was a truly fascinating experience which I would recommend to each and every member of this assembly.

This is where Canada's nuclear program was conceived, with the first sustained fission reaction outside the United States on September 5, 1945. Since that time, AECL has been the world leader in nuclear technology. Its advanced Candu reactor is world-class, made in Canada, cost-effective and can be put in service over a relatively short period of time. There is no question that AECL is poised and ready to meet the demand for electricity in Ontario's future.

As part of my tour, I stood atop the NRU reactor, which produces over 60% of the world's supply of medical and industrial isotopes.

I wish to thank Paul Fehrenbach, Donna Roach, Neil Mantifel and the over 1,800 employees of AECL Chalk River, who made my visit so informative and enjoyable.

I encourage Minister Duncan to keep AECL uppermost in his thoughts as he proceeds with the plan to deal with our energy needs.

I would like to take this moment to wish all members of this assembly, my constituents in Renfrew-Nipissing-Pembroke and all Ontarians a blessed and merry Christmas and a happy, healthy new year.

DAVID HEARN

Mr Dave Levac (Brant): It is with extreme pride and pleasure that I rise today to congratulate the accomplishments of one of Brantford's own, in my riding of Brant. As many golf enthusiasts will know, there will be a new Canadian on the PGA tour next year. Last week, Brantford's David Hearn qualified for the PGA tour with a 40-foot birdie putt on the 18th hole.

The 18th hole is a 439-yarder with water down the left. In order to clinch a berth on the tour, Hearn had to put a putt through a tough spot on the 18th green to finish

seven under in a six-round tournament at the PGA's qualifying course in California. He drained the only birdie of his round for a five-over-par 77. Hearn earned his way into the qualifying tournament with a total score of eight under for a 424.

Earning his PGA qualification card is the topping of an incredibly successful year for this 25-year-old. In January, he qualified for the Canadian tour and the Asian tour. David went on to achieve two wins on the Great Lakes tour and four consecutive top-five finishes on the Canadian tour. He finished in the top 25 of the Samsung Canadian PGA championship. He earned full playing privileges in the nationwide tour with a victory at the Alberta Classic. As the only Canadian qualifier, David Hearn will be joining the ranks of such great Canadian golfers as Stephen Ames, Mike Weir, Ian Leggatt and Glen Hnatiuk on the PGA tour next year—another notch in our bow.

Wayne Gretzky, Doug Jarvis—you name it; we've got it all. It's all in the water.

FOOD SAFETY

Mr Ernie Hardeman (Oxford): I rise today to draw attention to a real threat to food safety in this province. On December 31, the meat inspectors of Ontario, who have been put back on the provincial payroll as members of the public service, will see their agreement with this government expire. As a result, they will have the right to strike and in effect bring the processing of meat in provincial abattoirs to a halt.

That's why, after the public service strike in 1996, our government made sure Ontarians would no longer have food safety be subject to the whim of a union and made provincial meat inspection contracted positions.

This government has not hired more inspectors—

Interjections.

The Speaker (Hon Alvin Curling): Minister of Agriculture, would you allow the member to make his statement, please.

Mr Hardeman: Thank you very much, Mr Speaker.

This government has not hired more inspectors, but simply undone the move and once again subjected the inspection of Ontario meat to labour disruptions. This certainly is not what beef farmers, already reeling from the effects of BSE, need. The Ontario Federation of Agriculture and the Ontario Independent Meat Packers both expressed concern when the Minister of Agriculture made a purely political move and brought meat inspec-

tion back under the OPS. They knew the dangers. They knew that this was not a move toward safer food in the province, but a vain attempt to cover up the broken promise of not calling a full inquiry into the Aylmer scandal.

Now that the minister has opened up this can of worms, I hope he has a plan to ensure the safe inspection of meat during a strike. Because of his need to be seen as doing something for food safety, the Minister of Agriculture has actually put food safety and the viability of our abattoirs in grave danger. Today I call on the minister to take responsibility for the results of his actions and put in place a real plan to deal with this issue.

AEROSPACE INDUSTRY

Ms Andrea Horwath (Hamilton East): There is a phantom in this chamber. He's the phantom Minister of Economic Development in a McGuinty Liberal government that just doesn't have the right stuff. He and his Premier are blowing a chance to bring aerospace investment and jobs to Ontario. Unfortunately, the McGuinty Liberals have no plan to fight for Bombardier to build its new C series jet assembly plant in Ontario. They've done a disappearing act. They're missing in action. They haven't shown up at the table to compete with aggressive bidders like Quebec, Northern Ireland and several US states. They've thrown in the towel without ever setting foot in the ring.

The C series deal, worth \$250 billion over the next 20 years, will create 2,500 direct Bombardier jobs and another 2,500 supplier jobs. The aerospace industry now surpasses Ottawa as the largest net contributor to Canada's balance of payments.

With no plan, no strategy and no will to do anything, the McGuinty Liberals are deliberately letting this big opportunity fly away. Quebec is offering incentives like loan guarantees and export credits to keep key industries from moving elsewhere. Meanwhile, the Premier has a phantom on this file. We call on him to get in the game. Doing nothing guarantees failure. Keep your election promise and invest in high-tech industries.

We have been asking questions for the past two weeks, and still no answers have arrived. Today, the Canadian Auto Workers from local 112 came to deliver 4,000 postcards to the government. They call for an Ontario strategy that will grow their industry. Like us, they want the McGuinty Liberals and his phantom minister to take real action and bring Bombardier to Ontario.

PUBLIC TRANSPORTATION

Mr Mario G. Racco (Thornhill): Recently, I was pleased to be with my federal and municipal colleagues at a launch which will revolutionize public transportation in the region of York, called VIVA. A special "thank you" goes to the Minister of Transportation, Harinder Takhar, and my two colleagues from the region of York, the Honourable Greg Sorbara and Tony Wong, for their

strong support of public transportation for the region of York.

The name VIVA is very symbolic, because it means "life" and fits perfectly with our new, innovative rapid transit system. The name VIVA captures the spirit of the investment our government has made in the future of the region of York.

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VIVA is about improving quality of life by reducing traffic congestion and pollution, improving our air quality and promoting pedestrian-friendly development. The transit plan will cut travel times for commuters by 25% to 40% during the busiest times of the day. By 2006, it will take 7,000 cars off the roads every day.

Our government is committed to a greater Toronto transportation authority to provide an integral and seamless public transit system linking the entire GTA. But it is time to do what we can to address gridlock now, and the region of York rapid transit plan is part of the solution. VIVA could be held up as a model when the transit authority is established shortly. It will link the urban centres of Markham, Vaughan, Richmond Hill and Newmarket along four major corridors, including Highway 7 and Yonge Street. It will also link the region of York to the TTC subway lines and to the Unionville, Finch and Langstaff GO Transit stations.

The government of Ontario is pleased to invest in VIVA, because it will help ease gridlock and promote public transit as a safe and convenient means of travel. Improving transit is one of our priorities, because it helps build safe and strong communities and contributes to a higher quality of life. By making investments in public transportation, the Ontario economy will perform better and our constituents will have a better quality of life.

LOCAL HEALTH INTEGRATION NETWORKS

Mrs Elizabeth Witmer (Kitchener-Waterloo): The Premier and Minister Smitherman should be very concerned, as health stakeholders are, about the secretive and government-directed approach they are taking to creating local health integration networks or LHINs. They are concerned about the lack of meaningful public debate. They recognize that this government is attempting to centralize control of the health care system, which builds on Bill 8, which the government introduced prior to their plan to eliminate hospital boards and local autonomy.

Thus far, your superficial, private consultations leave many unanswered questions, such as: What is the funding formula for the LHINs? What about accountability? Who has given you the legislative authority to start advertising for chairs and director appointments to the LHINs? Will these be partisan Liberal political appointments, and how much will these individuals get paid? Is this another layer of unnecessary bureaucracy? Will you eliminate the district health councils and, eventually, hospital boards? What happens to the children's health, cardiac care and

cancer care networks? Why have you created arbitrary geographic boundaries without considering hospital catchment areas and patient needs, the roles of agencies and the allocation of municipal tax dollars? How can you develop networks without consulting with primary care physicians? Have you considered the labour impact of implementing these networks and issues such as pay equity?

The list of questions is endless. I urge this government to, as one stakeholder says, stop the bullying and start real, meaningful public consultations.

UNITED WAY

Mr Richard Patten (Ottawa Centre): I rise today to inform members of this House about how employees of Carleton University proved that—

Interjections.

The Speaker (Hon Alvin Curling): Order. Could I ask the members to keep their discussions down a bit, so I can hear.

Mr Patten: I rise to inform the members of this House about how employees at Carleton University proved that an unfaltering amount of dedication and an innovative spirit are the essential qualities needed for a successful fundraiser.

Carleton University is situated in my riding of Ottawa Centre, and I'm proud to say that this educational institution has a strong reputation for its positive contributions to the local community. For example, the university has participated in United Way campaigns for well over 20 years.

This year, the determination of 75 university employees, as well as the tireless efforts put forth by the employee campaign coordinator, Elizabeth DiSabato, allowed the United Way campaign to exceed its financial participation goals. The campaign raised over \$179,000, clearly exceeding its goal of \$150,000, and participation rates skyrocketed from 32% in 2003 to 53% this year.

Although these figures are impressive, the key accomplishment for the people at Carleton has been the innovative approach the university used to invigorate its United Way campaign. Instead of simply asking for donations to help a good cause, the employees at Carleton University added a personal touch to the campaign by telling stories of how the United Way made a difference in each of their lives.

I want to congratulate them all for their contribution to making Ottawa the great city that it is.

EDUCATION

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): I rise today to inform the House of the progress the McGuinty government has made in the field of education. Yesterday, Minister Kennedy and Minister Kwinter announced that this government will be providing more than \$9 million to help schools become more

secure. The same announcement also included funding for an anti-bullying telephone hotline.

As a retired educator after more 32 years in classrooms in Stormont-Dundas-Charlottenburgh, I can't talk about this government and education without letting the people of Ontario know that we have accomplished very much during the past year. We've hired 1,100 new teachers as a first step to reducing class sizes in early grades. As a result, more than 1,300 schools already have smaller classes. We've invested \$100 million in new special education funding. With new accountability measures, we're ensuring that every dollar reaches a student who needs it most.

We're also in the process of repealing teacher testing and working with teachers to put together an entirely new approach to professional development. We've invested \$31 million to strengthen rural schools in my rural riding. I'm delighted about that. We're also providing \$2.1 billion in funding to support renewal work in Ontario schools.

Parents, teachers, trustees and, most importantly, our students are breathing a sigh of relief that there is finally a provincial government that has restored peace and stability to our schools. Gone are the days of the politics of division. We are taking steps to make sure that our kids get the best possible education from the best teachers in the best schools.

JOHN TORY

Mr Peter Fonseca (Mississauga East): As the session rounds to an end, I rise to talk about three months of John Tory disappointments.

It has taken Tory three months to decide to parachute into Ernie Eves's riding. It only took Eves 12 days to find a by-election seat.

After Tory called for a more co-operative environment, his caucus obstructed bills limiting government advertising, banning negative option billing, and expanding the role of the Provincial Auditor.

Tory and his caucus were twice exposed for health care fearmongering. A hospital CEO complained of Conservative rumour and innuendo and a health economist said, "I suspect they are playing with the numbers."

Just on Monday, in a bout of transparent hypocrisy, the PC caucus voted against fiscal transparency after Tory said he supported it. Newspapers have described his caucus's performance as subdued and predictable.

According to the media, Jim Flaherty is mulling over the possibility of running for the federal Conservative Party, John Baird is interested in leaving Queen's Park and Frank Klees is looking for opportunities in the private sector.

Tory has had trouble coming to grips with his caucus and setting a clear direction since his narrow leadership victory. Now he'll have to defend his support for public money for private schools and American-style pay-your-way-to-the-front-of-the-line health care.

John Tory said he'd be giving us hell in the Legislature this week. With due respect, where the hell is John Tory?

VISITORS

Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): On a point of order, Mr Speaker: Among the present group of pages is Ellen Martin. She comes from my riding of Bramalea-Gore-Malton-Springdale. Her mother, Stephanie Martin, and a friend are visiting us here in the east gallery. I want to acknowledge them.

The Speaker (Hon Alvin Curling): That's not a point of order.

Mr John O'Toole (Durham): I have a point of order, Mr Speaker: I'd like the House to recognize my son-in-law, David Lohse, who is joining us and visiting us from Adelaide, Australia. I tell you that David is a test pilot with the Royal Australian Air Force. He's here with my daughter Rebecca and our grandchildren Megan and Daniel for Christmas.

The Speaker: Is it OK for me to call reports by committees now?

Interjection.

The Speaker: If the member for St Catharines were in his seat, I'd ask him to do that.

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REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Alvin Curling): I beg to inform the House that today the Clerk received the report on intended appointments dated December 15, 2004, from the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Mr Smitherman moved first reading of the following bill:

Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la

teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

The Speaker (Hon Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr Smitherman?

Hon George Smitherman (Minister of Health and Long-Term Care): I reserve my comments for ministerial statements.

ELECTED OFFICIALS IMMUNITY ACT, 2004

LOI DE 2004 SUR L'IMMUNITÉ DES ÉLUS

Mr Ouellette moved first reading of the following bill:

Bill 165, An Act to provide elected members of municipal councils and school boards with certain privileges, immunities and powers / Projet de loi 165, Loi octroyant certains privilèges et pouvoirs et certaines immunités aux membres élus des conseils municipaux et des conseils scolaires.

The Speaker (Hon Alvin Curling): Is it the pleasure of the House the motion carry? Carried.

Mr Ouellette?

Mr Jerry J. Ouellette (Oshawa): The purpose of this bill is to extend to elected members of municipal councils and school boards those privileges, immunities and powers presently enjoyed by the members of the Legislative Assembly of Ontario in order to provide an environment of freedom of speech within their elected chambers.

MOTIONS

Hon Dwight Duncan (Minister of Energy, Government House Leader): I seek unanimous consent to move motions without notice respecting the appointment of the Auditor General, the Ombudsman and the Environmental Commissioner.

The Speaker (Hon Alvin Curling): Is there consent? Agreed.

APPOINTMENT OF AUDITOR GENERAL

Hon Dwight Duncan (Minister of Energy, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

"To the Lieutenant Governor in Council:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of Jim McCarter as Auditor General for the province of Ontario, as provided in section 3 of the Audit Act, RSO 1990, to hold office under the terms and conditions of the said act, and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): Mr Duncan has moved that—

Interjection: Dispense.

The Speaker (Hon Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

APPOINTMENT OF OMBUDSMAN

NOMINATION DE L'OMBUDSMAN

Hon Dwight Duncan (Minister of Energy, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

“To the Lieutenant Governor in Council:

“We, Her Majesty’s most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of André Marin as the Ombudsman for the province of Ontario as provided in section 3 of the Ombudsman Act, RSO 1990, chapter O.6, to hold office under the terms and conditions of the said act,” and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): The government House leader has moved that an humble address be—

Interjection: Dispense.

The Speaker: Dispense. Is there any debate?

M. John R. Baird (Nepean-Carleton): Je voudrais dire que M. Marin est un résident de la circonscription de Nepean-Carleton et on est très fier d'appuyer sa bonne nomination.

The Speaker: Any further debate?

Is it the pleasure of the House that the motion carry? Carried.

Hon Mr Duncan: There’s one less candidate for the federal nomination in Ottawa West.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, I move that an humble address be presented to the Lieutenant Governor in Council as follows:

“To the Lieutenant Governor in Council:

“We, Her Majesty’s most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the extension of the appointment of Gord Miller as the Environmental Commissioner for the province of Ontario to May 1, 2005, as provided in section 49 of the Environmental Bill of Rights Act, SO 1993, chapter 28, to hold office under the terms and conditions of the said act,” and

That the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

The Speaker (Hon Alvin Curling): The government House leader has moved that an humble address be presented—

Interjection: Dispense.

The Speaker: Dispense. Is it the pleasure of the House that the motion carry? Carried.

CONSIDERATION OF BILL 17

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, I seek unanimous consent to move a motion respecting Bill 17, An Act to amend the Executive Council Act.

The Speaker (Hon Alvin Curling): Do we have unanimous consent for the acceptance of Bill 17, as stated by the government House leader? Agreed.

Hon Mr Duncan: I move that the December 2, 2004, order of the House referring Bill 17, An Act to amend the Executive Council Act, to the standing committee on the Legislative Assembly be discharged and that the bill be ordered for third reading.

The Speaker: The government House leader has moved—

Interjection: Dispense.

The Speaker: Dispense. Is it the pleasure of the House that the motion carry? Carried.

VISITORS

The Speaker (Hon Alvin Curling): I ask that members recognize in the Speaker’s gallery André Marin, the newly appointed Ombudsman for the province of Ontario, and also the appointment of Mr Jim McCarter, who is sitting in the Speaker’s gallery, as Auditor General for the province of Ontario.

STATEMENTS BY THE MINISTRY AND RESPONSES

ANTI-TOBACCO LEGISLATION

Hon George Smitherman (Minister of Health and Long-Term Care): Today I have the great privilege of tabling a piece of legislation to create the Smoke-Free Ontario Act. This is an enormously proud moment for me and for our government. I say that not because the battle is won; it is not. In the battle against smoking and the deadly effects of tobacco on smokers and non-smokers alike, we still have much to do and a very long way to go. But today represents a crucial turning point.

As you know, during the last election we made a commitment to make Ontarians the healthiest Canadians. We promised the people of Ontario a health care system that does more than just treat illness. In other words, we promised a true health care system instead of a sick care system, and we promised the comprehensive anti-tobacco strategy that is crucial in achieving these goals.

1400

Actions speak louder than words. We are delivering on what we promised. Our strategy is built on three pillars: protection, prevention and cessation. Some parts are already in place. My colleague the Minister of Finance has begun to increase taxes to bring the price of Ontario cigarettes closer to the national average. We've also unveiled stupid.ca, a youth anti-smoking campaign aimed at young people and developed by young people. In the new year, we will be moving forward with a co-ordinated effort to help Ontarians stop smoking. But the most important element of our anti-tobacco plan, the cornerstone of our strategy, is our commitment to make all workplaces and enclosed public spaces in Ontario 100% smoke-free.

Today I am introducing legislation to do just that. This bill creating the Smoke-Free Ontario Act would, if passed, protect all Ontarians from the deadly effects of cigarette smoke, whether they are in their office, at a restaurant, in the laundry room of their apartment building, on the floor of a factory, in an underground parking garage or at a shopping mall. In other words, unless Ontarians want to be exposed to cigarette smoke, they won't be. No worker in Ontario, no truck driver, no homecare worker, no blackjack dealer or bartender at a Legion will be compelled to accept deadly second-hand smoke as a condition of their employment.

It is proposed that the bill would come into force on May 31, 2006, and would augment the existing patchwork of municipal bylaws with one province-wide law. I'm proud to say that this is a law with no exceptions, no exemptions. As I've said before, it would apply to Legion halls, it would apply to private clubs, it would apply to bingo halls and to casinos, and it would eliminate so-called designated smoking rooms. One hundred per cent smoke-free means 100% smoke-free, and that's what this legislation would do.

Let me take a moment to tell you what it does not do. It doesn't deal with smoking in the home. I look forward to the day when nobody smokes anywhere in Ontario, but I'm someone who believes that the state has no place in the bedrooms or in the rec rooms of the nation. So we're saying to Ontarians, if you want to smoke at home, we're not going to stop you. We would obviously encourage people with children to step outside to smoke, but we will not legislate on this point either.

We would also permit hotels to set aside a certain number of rooms for guests who smoke, and permit long-term-care homes to allow their residents to smoke in a controlled setting. These are homes, as I've said many times, and we will treat them as such, but we will also ensure that employees are protected from the effects of second-hand smoke.

I also want to emphasize that there would be two instances in which we would regulate smoking in private homes. If you choose to operate a licensed in-home daycare in your home, then you cannot smoke in your home when there are children present. A health care worker, when treating you in your home, has the right to freedom from second-hand smoke. In both instances, we

would have measures in place to protect employees who work in these areas.

A second principle that guided us was to not dictate what people can do outdoors. There's been some talk about a nine-metre smoking ban around doorways. That's not something that is in this bill, it's not something we ever had in early drafts of this bill, and it's not something we promised in our platform. It goes without saying, however, that the existing nine-metre ban around hospital doorways would remain in place.

We are also not proposing to ban smoking on outdoor patios. But let me be clear: An outdoor patio must be a true outdoor patio. We will not have the bar and restaurant workers of this province being forced to endanger their health in enclosed spaces filled with cigarette smoke. It's as simple as that. The days of restaurants and bars enclosing their decks with canvas walls and roofs, masquerading them as patios when in reality they function as smoking rooms, are over.

One of the very few instances where we would prohibit smoking outdoors is for assigned seats at a sporting or entertainment event. As I said earlier, it is our intention that unless Ontarians want to be exposed to cigarette smoke, they won't be, and that includes being stuck beside a smoker at a concert or a baseball game.

There's another component to this bill that deserves particular attention: our retail display ban. We've all walked into convenience stores and seen elaborate countertop displays promoting smoking precisely at the eye level of young children. Does anyone really believe that it is somehow acceptable for cigarettes to be mixed in with Twizzlers and hockey cards for the benefit of young potential consumers? We do not, and we are proposing to ban these countertop displays. Our bill would also ban all displays that permit customers to handle tobacco products before they've been purchased.

We're also proposing to make it tougher for young people to buy cigarettes by requiring retailers to demand ID from anyone—anyone—who appears to be under the age of 25. Finally, this legislation would limit the size of behind-the-counter displays of cigarettes to distinguish between a legitimate display and what is effectively a billboard.

This is a bill of which we can all be proud. We've consulted with Ontarians in drafting it. My parliamentary assistant, Peter Fonseca, has done a great job, working closely with stakeholders to ensure that our common objectives were met in a fair and reasonable way.

I should also note that our efforts build on the important work done by others, including former Health Minister Ruth Grier, as well as federal colleagues, particularly Diane Marleau and Allan Rock. I'm proud to be in that kind of company.

This is a fair and balanced piece of legislation, and it helps us toward an absolutely critical goal: healthier Ontarians. Because of that, we intend to be very firm in implementing this new law. We would dedicate the resources necessary to enforce this new proposed legislation when it comes into effect.

I look forward to an opportunity to discuss this bill in greater detail. I look forward to the day when all of us in this chamber can say to the people of this province that Ontario is now smoke-free. We're not there yet, but with the passage of this bill, Ontario would once again be a leader in the battle against tobacco.

Our anti-smoking strategy, taken as a whole, is the toughest, most comprehensive and far-reaching in North America. That is something we should all celebrate, because tobacco is the number one killer in Ontario. It's the number one preventable cause of death, killing more people than AIDS, traffic accidents and alcohol combined. Tobacco kills more than 16,000 Ontarians every year. That's about 44 today, another 44 tomorrow, and on and on and on.

In addition to the human toll, tobacco also takes a horrible economic toll. Ontario spends more than \$1.7 billion a year treating tobacco-related illnesses.

Tobacco destroys lives. It rips families apart. It clogs our hospitals and damages our economy. This government will not stand idly by as this destruction continues. We have an obligation to protect and preserve the health of Ontarians. So I invite all members of this House to look carefully at what's in this bill, to help us fine-tune any details, and to join with us as we work to make Ontario the most smoke-free jurisdiction in North America.

SOCIAL ASSISTANCE

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I rise in the House today to let the people of Ontario know about some immediate changes that will help Ontario's most vulnerable citizens.

When we were elected, we promised that we would restore integrity to Ontario's social assistance system. We started by repealing the previous government's lifetime ban for welfare fraud. We restored the nutritional allowance for pregnant women on social assistance, something that never should have been removed in the first place. We increased social assistance rates for the first time in 11 years.

Our commitment to Ontario's most vulnerable people doesn't stop there. Today I'm proud to outline our government's plan to implement a series of changes aimed at streamlining the social assistance system, improving accountability, treating people with dignity and fairness, and helping people move from working for welfare to working for a living.

Let me say upfront how proud I am of our parliamentary assistant in this ministry, Deb Matthews, who worked diligently to table a report on how we must work, and have much more work to do, to streamline and enhance the system to make it much easier for people to transition back to work. Some of that will be found in today's announcement. Social assistance recipients are real people and they want meaningful jobs. They want more for their children, they want to contribute to a brighter future for themselves, and they are willing to

work to make real improvements in their lives. It's time our welfare programs also work.

1410

We can't tell people they should improve their lives and then put up barriers that prevent them from doing just that. We can't say we value skills and education and then tell people to cash in their education savings for their children. We can't tell a young boy with a paper route whose family is on social assistance that he can't keep the money he worked so hard to earn, or tell a young girl with an after-school job that she has to give all her earnings back if she tries to save them. We can't say that we want our children to learn how to work hard, to know the value of learning a skill or pursuing higher education, and then tell them they can't save for college or university tuition.

For years, the rules for social assistance in this province have treated our most vulnerable citizens as less than equal citizens. They have perpetuated a cycle of poverty this government is determined to break. We are taking immediate action to improve the way our welfare system works so we can start building that brighter future for some of this province's neediest citizens.

Our plan will streamline and simplify the system so that we aren't doing unnecessary paperwork, creating cumbersome, ineffective rules and putting barriers in the way when people are in a financial crisis. That's why we are simplifying the application process for recipients, by eliminating the intake screening units that were redundant and complicated the system. Municipalities have asked us to assist them in decreasing their administrative costs for the delivery of welfare.

Our plan will improve accountability and sustainability so that the system is effective both today and in the future. That's why we are collecting social assistance debt from sponsors who don't live up to their sponsorship obligations.

Our plan will help people find and keep meaningful employment so that they can leave welfare for good. That's why we're allowing Ontario Works recipients to access drug benefits while they transition back to work.

Finally, our plan will treat people on social assistance with fairness and dignity, because everyone deserves to be treated with respect, no matter what struggles they face.

Registered education savings plans will be exempt as assets, and contributions to and payments from RESPs will not be treated as income, so that social assistance recipients can pay for their children's education.

Sponsored immigrants will no longer face the arbitrary \$100 deduction from their social assistance payments simply because they have a sponsor who doesn't live up to their obligation.

That's why we no longer require social assistance recipients to further destabilize their lives by placing a lien on their home in order to receive social assistance. I have to say—my own edit—that we still could not find the cottages that the last government claimed people had on welfare, and the search party is still out.

Our Premier always says that the strength of Ontario lies in its people. Our current and future economic growth and quality of life are directly related to the strengths, hard work and skills of our people. It's time we stopped asking people to work for welfare and started helping them work for a living. It's time we stopped focusing on paperwork and started focusing on people. It's time to clean up the system—

Interjection.

The Speaker (Hon Alvin Curling): Minister, just give me a moment to call to order the member from Nepean-Carleton.

Interjection.

The Speaker: Order. The minister would like to make her statement without any interruption or any heckling.

Minister.

Hon Ms Papatello: Thank you, Speaker. Shall I start from the beginning?

The Speaker: If you can do it in five minutes.

Hon Ms Papatello: Let me say that it's time we start to clean up the system, break down the old stereotypes, and start helping people find and keep meaningful jobs. It's time to restore integrity to Ontario's social assistance people, and we will do just that.

ANTI-TOBACCO LEGISLATION

The Speaker (Hon Alvin Curling): Responses?

Mr Robert W. Runciman (Leader of the Opposition): Let me say at the outset that the Ontario Progressive Conservative Party and our leader, John Tory, are supportive of banning smoking in public places. However, we have some serious concerns with this legislation and the motivation behind it. This McGuinty government has demonstrated time and time again that it subscribes to the classic Liberal, big-government-knows-best way of thinking, and today's bill raises more questions than it answers.

How will you enforce your ban? What about compensation for business owners who have spent anywhere from \$15,000 to \$300,000 to comply with local bylaws and create separate ventilated smoking rooms? They say that it won't be until 2010 that they can recoup those investments. And what about actually helping people most addicted stop smoking? Nothing referenced there.

Why are some casinos covered by this and others aren't? The government said there wouldn't be any exceptions to the legislation. What about Legion halls and the veterans who defended this country? They're out of luck and out in the cold because of this legislation. You're also reaching right into people's homes with this bill, those who live in veterans' homes, those who have some space set aside for business purposes.

You say you know best. How will you possibly enforce this? This bill is representative of a government that thinks it knows best. People already know; Dalton McGuinty doesn't.

Mr Toby Barrett (Haldimand-Norfolk-Brant): This government told farmers, told myself, that the promised

\$50 million in compensation would be announced when smoke-free Ontario was announced. What happened? Here we are, and I've not heard one word today about compensation for farmers. There are farmers in the gallery who will tell you that they're exhausted. They've worked all their lives. Their equity is being taken away. Some are losing the farm. That means they lose their house; they lose their home. Today's announcement is the final nail in their coffin.

Today's announcement means a number of things beyond the loss of jobs. One that many fail to remember is crime. This legislation will translate into increased smuggling, contraband, counterfeit cigarettes and an underground economy. These guys don't ask young people for ID. It will mean that many of the two million Ontarians who do choose to smoke will be smoking a product that this government and Health Canada has very little knowledge about.

Cheap smokes from offshore countries like China, India and Brazil containing pesticides that are appropriately used in a tropical country will undoubtedly pose more of a risk than the nitrosamine-free tobacco that our Ontario farmers grow. I ask, just how concerned is this government—and have they thought it through—with respect to the health of smokers?

Tobacco farmers realize they're being taken out. Minister Smitherman himself has declared war on tobacco, and today does mark the beginning of the end for them. With any war, there are casualties, there are reparations. I ask that you consult, speak to tobacco farmers. They're honest, good people. They just want to make ends meet for their families. They want to pay off their debts. They want to move on. Yes, Minister, you have declared war. You have won; the farmers are beaten. Give them something dignified. I feel they deserve nothing less.

SOCIAL ASSISTANCE

Mr Cameron Jackson (Burlington): I've had an opportunity to just briefly look at the announcement made by the minister today on social assistance reform. I do want to make a couple of points. The elimination of the intake screening units is going to put about 250 people out of work. A lot of them are in eastern Ontario. Again, we've got an example of a Liberal government dismantling jobs in eastern Ontario and moving them to Toronto.

I note with interest that going after sponsorship welfare funds that are owed to the province is only going to be done on a go-forward basis. Meanwhile, the Treasurer, this year, has written off \$250 million worth of debts, which includes welfare payments from those same individuals. So the government, on the one hand, is saying one thing and doing another.

1420

Mr Michael Prue (Beaches-East York): I'm responding to the Minister of Community and Social Services. This morning when I heard about her announcement and what was going to be said, we picked up the phone in our office and we phoned Deb Peliti—you

remember her; the Legislature gave her a standing ovation last week—and I asked her what she thought of this major announcement. She did not think very much of what was happening here today. She said that you are doing nothing for the 660,000 people in this province who rely on social assistance. What you are doing has almost no benefit to her, her family or anyone she knows.

There is nothing in here about housing, and we have 75,000 families looking for housing in this city alone, and double that across the province. You are doing nothing with the Tenant Protection Act that you promised within the first year of your mandate; we're into 15 months, and it's not to be seen. You're doing nothing about skills training. You're doing nothing about ending the child clawback. You're doing nothing, absolutely nothing, for restoration of the 22% that the former government took away. In fact, there are 800 rules and regulations governing welfare and social assistance; you are tinkering with five of them, and the five you are tinkering with do nothing to the majority of people.

There are 7,500 people, or slightly over 1% of those on social assistance, who are recent immigrants who have been sponsored; 1% are going to see some kind of change in their lives. Nobody else is going to see anything that is of any value to them whatsoever.

Twenty years ago, the Parliament of Canada voted unanimously to end child poverty—20 years—and what are we seeing? More children than ever in child poverty. You could enact, and you should enact, the end of the clawback. You promised that in opposition, you promised that during the election, and that is the single greatest thing that your government can do to end child poverty, and you are choosing not to do it.

When I talked to Deb Peliti again today, when my office talked to Deb Peliti, she said that you need to keep your promises. If you had kept your promise, if she could keep the \$227, she could maybe afford to have an RESP for her kids. She can't do that now, nor can most people on social assistance. She could afford to buy food in the store and not have to go to the food banks. What you are doing is tinkering with the lives of 660,000 people. They must feel betrayed. I know that members on this side of the Legislature feel betrayed by what you are doing here today.

ANTI-TOBACCO LEGISLATION

Ms Shelley Martel (Nickel Belt): In 1994, I was proud to be part of a government that brought in the Tobacco Control Act and put Ontario at the forefront of tobacco strategies, and in the last 10 years we clearly have lost that position. New Democrats want to see us at the forefront again, so we will be looking to this legislation to see if it achieves that end. We will be proposing amendments where they are necessary. For example, in the proposed legislation it's not enough to ban smoking in an in-home regulated child care setting. To allow a provider to smoke five minutes before the children show up is not going to increase positive air quality or increase

their health and safety, so we'll be proposing amendments in that regard.

The point I want to make as well is that the government's legislation was only part of a broader strategy against smoking that it announced in the election campaign. Regrettably, the government has fallen far short of the financial commitments that it made with respect to that strategy. The government promised \$31 million for a mass media campaign for youth, \$46 million for smoking cessation programs, \$50 million for a community transition fund to get farmers to use the land for something else, and \$12.5 million for the legislation. The total commitment that the Liberals promised in the first year was \$140 million. How much is the government actually allocating to its strategy this year? Some \$31 million. It's not as if the government didn't have the revenue, because with the two tax increases alone, the new revenue this year is about \$140 million. So the government had the money to put in place the investments that it promised during the election campaign. It's clear that the \$50 million for farmers is not coming, so the government will leave them high and dry in terms of their livelihood. It's very clear that there has not been an investment made in cessation programs. This government provides a free flu shot. Why are we not paying for people's Zyban or hypnotherapy or patches for those people who really want to quit?

Finally, in terms of consultation, this government said they consulted with everyone. This government was asked by the Royal Canadian Legion to have consultations before the proposed legislation. This government refused to do that. The government could at least have listened to the veterans who made Ontario and Canada what they are now.

The Speaker (Hon Alvin Curling): We have a deferred vote on the motion for third reading—

Interjections.

The Speaker: I think the member from Nepean-Carleton was trying to point out to us that the outgoing Ombudsman, Clare Lewis, is in the Speaker's gallery. But he has just departed.

DEFERRED VOTES

PROFESSIONAL LEARNING PROGRAM CANCELLATION ACT, 2004

LOI DE 2004 ANNULANT LE PROGRAMME DE PERFECTIONNEMENT PROFESSIONNEL

Deferred vote on the motion for third reading of Bill 82, An Act to amend the Ontario College of Teachers Act, 1996 to cancel the Professional Learning Program / Projet de loi 82, Loi modifiant la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario en vue d'annuler le programme de perfectionnement professionnel.

The Speaker (Hon Alvin Curling): Call in the members. There will be a five-minute bell.

The division bells rang from 1425 to 1430.

The Speaker: All those in favour, please stand one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Duncan, Dwight | Parsons, Ernie |
| Bartolucci, Rick | Flynn, Kevin Daniel | Peters, Steve |
| Bentley, Christopher | Fonseca, Peter | Phillips, Gerry |
| Berardinetti, Lorenzo | Gerretsen, John | Prue, Michael |
| Bisson, Gilles | Hoy, Pat | Pupatello, Sandra |
| Bountrogianni, Marie | Jeffrey, Linda | Racco, Mario G. |
| Bradley, James J. | Kennedy, Gerard | Ramal, Khalil |
| Broten, Laurel C. | Kormos, Peter | Ramsay, David |
| Brown, Michael A. | Kular, Kuldip | Rinaldi, Lou |
| Brownell, Jim | Kwinter, Monte | Ruprecht, Tony |
| Bryant, Michael | Lalonde, Jean-Marc | Sandals, Liz |
| Cansfield, Donna H. | Levac, Dave | Smith, Monique |
| Caplan, David | Marchese, Rosario | Smitherman, George |
| Chambers, Mary Anne V. | Martel, Shelley | Sorbara, Gregory S. |
| Colle, Mike | Matthews, Deborah | Takhar, Harinder S. |
| Cordiano, Joseph | Mauro, Bill | Van Bommel, Maria |
| Craiton, Kim | McGuinty, Dalton | Watson, Jim |
| Crozier, Bruce | McMeekin, Ted | Wilkinson, John |
| Delaney, Bob | McNeely, Phil | Wong, Tony C. |
| Dhillon, Vic | Meilleur, Madeleine | Wynne, Kathleen O. |
| Di Cocco, Caroline | Milloy, John | Zimmer, David |
| Dombrowsky, Leona | Mitchell, Carol | |
| Duguid, Brad | Oraziotti, David | |

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

| | | |
|------------------|---------------------|---------------------|
| Arnott, Ted | Martiniuk, Gerry | Scott, Laurie |
| Baird, John R. | Miller, Norm | Sterling, Norman W. |
| Barrett, Toby | Munro, Julia | Tascona, Joseph N. |
| Hardeman, Ernie | O'Toole, John | Wilson, Jim |
| Jackson, Cameron | Ouellette, Jerry J. | Witmer, Elizabeth |
| Klees, Frank | Runciman, Robert W. | Yakubski, John |

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 67; the nays are 18.

The Speaker: The motion is carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

LIQUOR LICENCE AMENDMENT ACT, 2004 LOI DE 2004 MODIFIANT LA LOI SUR LES PERMIS D'ALCOOL

Deferred vote on the motion for third reading of Bill 96, An Act to amend the Liquor Licence Act / Projet de loi 96, Loi modifiant la Loi sur les permis d'alcool.

The Speaker (Hon Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1434 to 1439.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|-----------------------|---------------------|-------------------|
| Arthurs, Wayne | Duncan, Dwight | Phillips, Gerry |
| Bartolucci, Rick | Flynn, Kevin Daniel | Pupatello, Sandra |
| Bentley, Christopher | Fonseca, Peter | Qaadri, Shafiq |
| Berardinetti, Lorenzo | Gerretsen, John | Racco, Mario G. |
| Bountrogianni, Marie | Hoy, Pat | Ramal, Khalil |

| | | |
|------------------------|---------------------|---------------------|
| Bradley, James J. | Jeffrey, Linda | Ramsay, David |
| Broten, Laurel C. | Kennedy, Gerard | Rinaldi, Lou |
| Brown, Michael A. | Kular, Kuldip | Ruprecht, Tony |
| Brownell, Jim | Kwinter, Monte | Sandals, Liz |
| Bryant, Michael | Lalonde, Jean-Marc | Scott, Laurie |
| Cansfield, Donna H. | Levac, Dave | Smith, Monique |
| Caplan, David | Matthews, Deborah | Smitherman, George |
| Chambers, Mary Anne V. | Mauro, Bill | Sorbara, Gregory S. |
| Colle, Mike | McGuinty, Dalton | Sterling, Norman W. |
| Cordiano, Joseph | McMeekin, Ted | Takhar, Harinder S. |
| Craiton, Kim | McNeely, Phil | Van Bommel, Maria |
| Crozier, Bruce | Meilleur, Madeleine | Watson, Jim |
| Delaney, Bob | Miller, Norm | Wilkinson, John |
| Dhillon, Vic | Milloy, John | Wong, Tony C. |
| Di Cocco, Caroline | Mitchell, Carol | Wynne, Kathleen O. |
| Dombrowsky, Leona | Oraziotti, David | Yakubski, John |
| Duguid, Brad | Peters, Steve | Zimmer, David |

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

| | | |
|-----------------|-------------------|---------------------|
| Arnott, Ted | Klees, Frank | O'Toole, John |
| Baird, John R. | Kormos, Peter | Ouellette, Jerry J. |
| Barrett, Toby | Marchese, Rosario | Runciman, Robert W. |
| Bisson, Gilles | Martel, Shelley | Tascona, Joseph N. |
| Hampton, Howard | Martiniuk, Gerry | Wilson, Jim |
| Hardeman, Ernie | Munro, Julia | Witmer, Elizabeth |

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 66; the nays are 18.

The Speaker: I declare the motion carried.

Be it resolved that the bill be now passed and entitled as in the motion.

DON REVELL

Hon Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr Speaker: I believe we have unanimous consent for each party to speak for up to five minutes on the retirement of Don Revell.

The Speaker (Hon Alvin Curling): Do we have unanimous consent? Agreed.

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I today rise to acknowledge the tremendous contribution to the people of this province of Mr Don Revell. I should begin by recognizing an honoured guest in the gallery: Marg Revell, wife of Don Revell. Welcome, Marg.

Don is retiring as chief legislative counsel for Ontario on February 17 of next year, after more than 27 years of distinguished service. The Ontario government and this assembly are losing a truly exceptional legal mind and a dedicated public servant. Don has made contributions not only at the provincial level but also at the national and international levels.

Don's many achievements include making gender-neutral language the norm for drafting in Ontario and the rest of Canada; leading the translation of Ontario law into French; and contributing creatively to the drafting of legislation in a way that has transformed the way we look at things in our society in such diverse areas as pay equity, occupational health and safety, and personal property security law.

If that weren't enough, Don has taken his skills and talents beyond Ontario's borders. He effectively exported our method of legislative translation to the emerging democracies of Estonia and Latvia. Closer to home, he helped establish the legislative drafting and translation office in Nunavut, Canada's newest territory.

It's important to recognize that Don has been invited to take on these responsibilities because of his reputation as an innovator, a leader and a visionary. Thanks to Don and his colleagues, we always get the legislation that we intended, largely because of Don's dedication to the craft of legal drafting. He has always provided what I would consider to be a comfort zone. If a bill or regulation has the Revell seal of approval, we who are members of this assembly can be assured that it is right, and all is well.

In many cases his advice is sought in high-pressure, rush situations, and he has always come through. He also has always been able to recognize the urgent ones from the non-urgent ones and shown patience with those who don't know the difference.

He was the first person to rethink the idea that Ontario's laws only needed to be revised and updated once every 10 years in a single, massive exercise. His inspiration was the 1990 revision, which involved bringing fully bilingual statute law to Ontario, updating its language to eliminate legal Latinisms and introducing gender-neutral language into our law.

That huge undertaking led Don to launch the e-Laws project, which essentially moved Ontario from updating its laws every 10 years to the potential for daily revision, while at the same time providing unprecedented public access to up-to-date information at no charge. The e-Laws initiative has revolutionized the ability of our citizens to learn about their laws and is a worthy legacy of a remarkable man.

Like any true leader, Don has been an educator and mentor to his staff members. As a result, although he will no longer be physically present after February, I'm confident that his unseen hand will be guiding the achievements of the superb office of the legislative counsel for many years to come. The ministry lawyers have discovered that when they took a draft bill in to Don to be finalized, they were embarking upon a much more demanding intellectual voyage than they had expected. Don's standards and his actions have always been motivated by an overriding concern for how the law would ultimately affect people in the real world.

Il s'est engagé à faire en sorte que les citoyens soient capables de lire et de comprendre les lois qui régissent leur vie. Il s'est aussi découvert une passion pour la langue française et a amélioré ses premières connaissances limitées du français au point qu'il était capable de prononcer des discours, en français, devant l'Association des juristes d'expression française de l'Ontario.

Don has demonstrated an unwavering commitment to clear, accessible law and, most importantly, the rule of law. The counsel of whom I speak, Mr Revell, is sitting at the leg counsel desk right now. I want to say to him directly that if legislative drafting be an art, we have at that desk a Shakespeare and a Scorsese all in one.

Today we celebrate a man, an office and the public service itself. To put it simply, his undertakings have had an effect upon the rights and well-being of his fellow citizens. Don Revell has made a difference, and I can think of no greater success for a public service. Counsel, thank you, congratulations, et au revoir.

Mr Norman W. Sterling (Lanark-Carleton): My friend from St Catharines, Mr Bradley, says that both he and I arrived here about the same time that Mr Revell did. Mr Revell told me earlier that he arrived here one month earlier than us. The only difference, Jim, is that he's leaving with a pension and we won't.

Interjections.

Mr Sterling: If you want to get the attention of the members of the Legislature, that's what you talk about.

I think a lot of people, and even legislators, don't perhaps appreciate the importance of legislative counsel, the some 57 people who work with Don at the present time and the skill they bring to their job. It is a really, really unique skill. We have been fortunate in the province, first of all, from 1977 to 1987, when I was sitting in this place and Don was working with legislative counsel and we had Arthur Stone, who had been here for some period of time and was recognized as a master in Canada with regard to his skill in drafting legislation.

1450

People should understand that when they put the final words on paper of our intent as legislators, those are the words that the courts interpret. Those are the words that come in front of the Supreme Court of Canada and all the other courts, and those are the words that actually effect the law. So what they do and how they craft that language is extremely important to Canadians, to Ontarians.

Their skill—I'm talking about both Mr Stone and Mr Revell—has been recognized right across Canada and across many countries. That is evidenced by the fact that Mr Revell has been asked on many occasions for advice, for help with regard to developing countries, developing Legislatures, developing democracies. He and his group of people who have worked with him have been extremely good with regard to helping those other fledgling democracies develop and create good law.

As the Attorney General pointed out, we have here his wife, Margaret. I also want to say thank you to the other members of his family: his daughter, Sara, and his son, Jeffrey. They have two grandchildren: Tyler and Laura—who is going to be two, I believe, on Christmas Eve or Christmas Day. I know they are extremely proud of their dad and grandfather. I wish them all the best in the future.

We have been really fortunate in this province to have had two masters. I mentioned Arthur Stone and then Don Revell. Don Revell picked up the ball in terms of where Arthur Stone had been, but he met some new challenges. He went through a dramatic change in the Legislature in the legislative process.

As the Attorney General mentioned, up to 1990, each 10 years we used to revise the statutes into about 10 volumes of books. If someone wanted to establish what the law of the day was, it was necessary to go through

those books, find the statute, go out to the revisions that might have been made on a yearly basis, and then determine from the two sources what in fact the law of the day was. We now have come down to the point, through the leadership of Mr Revell and his staff, where you can click on to e-Laws and establish what the law of the day is by effectively pushing a couple of keys on the keyboard of your computer. So we've come a long way with regard to offering our citizens what is the law today that they must follow and go to.

Mr Bryant said that we were really fortunate to have a craftsman, an artist, in terms of drafting our laws in Ontario. I agree with those words. All I can say to you, Don, is, not only have you been a good craftsman, but you have been one of the easiest people to get along with, in terms of when I served as a minister or a member of the Legislature, and that office has always respected the confidence of each and every member of this Legislature over the past 27 years. I have never heard a leak come from that office with regard to whatever advice any member of this Legislature wanted from legislative counsel. I respect the integrity of Mr Revell.

Thanks, Don; thanks, Margaret. You've done a great job for Ontario.

Ms Marilyn Churley (Toronto-Danforth): I'm very pleased to stand in this House this afternoon to pay tribute, on behalf of Howard Hampton and the New Democratic Party, to someone who is a cornerstone of this Legislature, an individual whose name may not garner huge name recognition in the public sphere, but whose work is well-known and regarded in this place.

Donald Revell has dedicated his entire career to this House through his service to the office of legislative counsel. After being called to the bar, he became legislative counsel in 1977—he doesn't look that old; that's a good thing—rising to assume the role of chief legislative counsel for Ontario in 1987. He has been the anonymous author, editor and overseer for legislation that has shaped Ontario's public policy, political landscape and people's daily lives for over a quarter of a century—or put another way, seven Premiers—and he's still standing.

This House has not been the exclusive benefactor of his expertise. His knowledge about law, legislation and leadership in this field, as has been pointed out by others, has been sought by Parliaments spanning the nation and globe, including Nunavut, Nepal and Latvia. And even if you've never spoken to him directly, all members of this House have been privy to his intelligence, talent and distinguished character through the legislation we read, debate and propose. We have come to know and depend upon his vast working knowledge of law and statutes, his swift pen and his deep respect for parliamentary etiquette and traditions.

The office of the legislative counsel is renowned for giving equal treatment to all forms of legislation. It does not make a distinction between a private member's bill or motion and legislation that has been proposed by the government. The staff apply rigorous analysis and legal tests to each project they undertake and never betray

confidentiality, and sometimes that's important. This is in large part due to the standards set by the Chief Counsel Revell. He is known for regarding private members' bills, resolutions and motions as critical to pushing forward the public agenda and as potential future statutes. It could pass on its own or the government of the day could draw on it for its own proposed legislation. Therefore, the legislation has to be clear, comprehensive and pass the test.

On that subject, as one small example, I know he has played an instrumental role in helping me and my office draw attention to issues of great concern to the public; for example, the adoption disclosure amending legislation, which he's very familiar with, that I've tabled in this House five times. I know that this bill, like others, is reviewed by the chief legislative counsel, and he has made sure that this bill, which has come close to passage in this House, is ready for the moment when it comes next, and when it does, I will invite him down to witness the passage.

His departure will be felt by all of us. Chief Counsel Revell imparted to the entire Legislature, through his work and dealings with MPPs and their staff, his institutional memory and impeccable regard for parliamentary tradition. All these traits lent to a distinguished record of service that we have benefited from on a daily basis. And while we will continue to benefit from the strong team he has mentored and guided during his two decades here, his leadership and presence will be sorely missed. Leadership that leads by example is scarce to find and even harder to replace.

On that note, Mr Speaker, I would ask, on this rare occasion, for unanimous consent for Mr Revell to come to the floor of the Legislature and to be properly honoured and acknowledged by us.

The Speaker: Without even asking, it seems to be agreed.

Applause.

The Speaker: All he did was show his human side, that he can also break with tradition.

Hon Mr Duncan: On a point of order, Mr Speaker: I seek unanimous consent that routine proceedings have an additional 15 minutes put on them so members can present petitions.

The Speaker: Do we have unanimous consent for 15 more minutes to be added? Did I hear a no?

Interjections.

The Speaker: Order. I'm going to put it one more time. Do we have unanimous consent for 15 more minutes to be added? Agreed.

1500

ORAL QUESTIONS

DISCLOSURE OF CONFIDENTIAL INFORMATION

Mr Robert W. Runciman (Leader of the Opposition): I have a question for the Attorney General related to the

recent massive breach of privacy with the release by the Ministry of Finance to complete strangers of 27,000 names, addresses and social insurance numbers. It now appears that the actions of the Ministry of Finance could represent a criminal offence under the federal Income Tax Act. Minister, could you advise the House if this issue is being pursued by your ministry, or have you referred it to federal authorities for their consideration?

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): Speaker, I refer this question to the Chair of Management Board.

Hon Gerry Phillips (Chair of the Management Board of Cabinet): I'll just say again the steps we took: immediately taking all steps to notify the 27,000 people, and, perhaps more importantly, having the Information and Privacy Commissioner immediately called and asking her to investigate this thoroughly. I expect that her report, which we should expect, I think, shortly, will deal with all the privacy matters that I think the Legislature should be concerned with.

Mr Runciman: This is nothing short of amazing. I asked a question here with respect to a possible criminal breach of the law. I wasn't talking about the privacy commissioner. I was asking a question of the Attorney General. This is his area of responsibility and he should be responding.

Minister, surely this is a credible concern that can't be ignored. It could be that the province or ministers of the crown violated federal law. Is the minister or his spokesperson saying that they're leaving this issue for a private citizen to lodge a complaint under the Income Tax Act? Is that what you're saying?

Hon Mr Phillips: What I just said, and I repeat, is: We have an Information and Privacy Commissioner, an officer of the Legislature, who is charged with responsibility for giving advice to the Legislature on matters like this. I think that was the appropriate individual, the appropriate body, to refer this matter to. She is looking into the matter. She is, as she has indicated publicly, preparing a report. I think she will deal with the matter comprehensively for us. I think she will consider all matters.

Again, that's exactly why we have such an office. That's why the Legislature has set up such an office. That's why we will look forward to a report, and we will take her recommendations fully into consideration.

Mr Runciman: I thought was exactly why we had an Attorney General, to deal with issues of possible criminal offence, not this sham and stonewall effort by the Chair of Management Board. This is a question that should go to the Attorney General. He should have the gumption to stand on his feet and respond to it, and I'm going to direct it to him.

The release of social insurance numbers by the Ministry of Finance could constitute a criminal offence. By refusing to deal with this, and by also refusing to respond, is the minister telling the people of Ontario that he is satisfied that neither the province nor any minister

of the crown has violated federal law? Is that what your silence is saying here today?

Hon Mr Phillips: There's no silence. I am saying exactly what I think the people would expect, which is that it's a matter that we treat seriously. As soon as we became aware of it, we informed all offices. We took immediate steps to notify the 27,000 people who were involved, and importantly, we asked the Information and Privacy Commissioner to look at the entire matter and give us her best advice on how we deal with it. We are co-operating absolutely fully with her, disclosing everything to her and getting her best advice on how we deal with it.

Again, from the public's point of view, I think it's a matter we treat seriously. We responded to it instantly. We are co-operating fully with the Information and Privacy Commissioner, and we will take all her recommendations very seriously.

The Speaker (Hon Alvin Curling): New question.

Mr Runciman: From a public point of view, the public should be dismayed with your rote answers on this issue.

My next question is to the Premier. We know there has been a concerted effort to protect the Minister of Finance on this privacy breach. However, we now know that this is potentially an even more serious matter: a violation of federal law, a criminal offence. Premier, will you advise us when you were informed that the release of 27,000 social insurance numbers might constitute a criminal offence under the Income Tax Act of Canada?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm wondering if this question might not be better answered by the ministry responsible for natural resources, given that there's a blatant attempt at fishing going on in the House today.

Let me say this to support what the Chair of Management Board has said: We did not take as our cue, we did not take as a precedent, the approach brought by the member opposite and his government when it came to the Province of Ontario Savings Office, when they hid facts from the Information and Privacy Commissioner. We have co-operated with the Information and Privacy Commissioner from the outset. We extended the courtesy to the opposition to bring this matter to their attention as soon as we reasonably could. We have made every possible effort to contact those whose privacy may have been breached. We are intent on co-operating fully with the commissioner when her report is filed with this House. I don't think there's anything further that we could do, given the circumstances as we found them.

Mr Runciman: From the Premier's response and the minister's response, I think what's going to have to happen here is that a private citizen is going to have to file a complaint with federal authorities.

This is not a fishing expedition. I would ask you to check section 237 of the Income Tax Act of Canada. It clearly speaks to this issue. You don't want to speak to it; the act speaks to it. It raises very serious questions that you continue to refuse to answer in this House. We simply get political rhetoric. Premier, will you im-

mediately instruct the Attorney General to investigate this matter or to refer it to federal authorities for their review? Will you do that?

Hon Mr McGuinty: That may have been the approach brought by our predecessors, but it's not the approach we bring on this side of the House. We don't direct our Attorney General to conduct investigations, we do not lend that kind of direction to our crown attorneys, and neither do we do that when it comes to our judges. We have a process that is unfolding as it should. There is an Information and Privacy Commissioner who takes responsibility for these matters. We referred the matter to her. We look forward to co-operating with her in any way possible, and we look forward to her report.

The Speaker: Final supplementary.

Mrs Elizabeth Witmer (Kitchener-Waterloo): Premier, you seem to fail to recognize that the release of these social insurance numbers to complete strangers does constitute a possible criminal offence under the Income Tax Act. It leaves the door open for anyone to file a formal complaint against your Minister of Finance. In light of this possibility, will you now do the right thing, refer this issue to the Attorney General, and also, at the same time, in light of the seriousness of this particular situation, will you require your Minister of Finance to step aside while the investigation is being conducted?

Hon Mr McGuinty: So now we've gotten to the bottom of this. This is all about propping up some other specious argument against the Minister of Finance, one more time. I think this may be the sixth separate occasion on which the members opposite have sought the resignation of this particular Minister of Finance.

We will comply with the process, as we should. We will not conceal information from the Information and Privacy Commissioner. We will co-operate in every possible way.

1510

To repeat the facts for the benefit of members opposite: When we found out about this matter, we moved as quickly as we could to notify those who might be affected. As a courtesy, we advised members opposite of what had happened. We've also put the Information and Privacy Commissioner on notice. We've asked her to look into the matter. We've asked her to bring her report back to us and to make recommendations. We look forward to co-operating with her as we move forward.

ANTI-TOBACCO LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, today we saw your anti-smoking strategy and, once again, we see more McGuinty broken promises.

A year and a half ago, during the election, you promised, "We will establish a community transition fund to help farmers move away from growing tobacco," and, "We will help communities move to a sustainable economic base."

Today in the announcement, the much-promised community transition fund isn't there. Where is the money to help tobacco farmers move away from growing tobacco, or is this yet again a McGuinty broken promise?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Let me just say how proud I am of this legislation and of the leadership brought to this particular file by the Minister of Health.

In addition to distinguishing ourselves in North America as the leading auto producer in this continent, in addition to distinguishing ourselves as having the most progressive public education system in North America, I can also say that by means of this legislation we will have the most progressive, the most comprehensive anti-smoking legislation designed to protect the health of Ontarians in North America, and I am very, very proud of that.

Mr Hampton: Virtually everyone in Ontario wants to stop smoking. That's not the issue. The issue is about your promise to tobacco farmers, your letter to tobacco farmers where you said there would be a community transition fund that would help them move away from growing tobacco.

Here's another quote, "We will use increased tobacco tax revenue to make smoking cessation medications available to all smokers." Nothing there.

Premier, where is your promised funding for stop-smoking medication so that those who are addicted to smoking can get some help quitting, or is this another McGuinty broken promise?

Hon Mr McGuinty: Listen, I've got to have some sympathy for the member opposite. He is demonstrating a tremendous amount of impatience. He wants more and more of our policies. He wants to embrace them all with open arms, and I look forward to delivering more in time.

This is the beginning of a comprehensive plan that addresses smoking in the province. I know he's anxious for our program which will provide assistance for farmers, and I can tell him, that is coming.

I know he's anxious for our initiative that is specifically related to smoking cessation, and I can tell him again that that, too, is coming. I can tell him that there is much more to come by way of this particular health policy and so many other health policies.

I appreciate his impatience. I appreciate the fact that he wants us to do more for the people of Ontario. I would begin by asking him whether or not he's going to support this bill.

Mr Hampton: Premier, it's about what you say; it's about what you promised. What I want is for you to start keeping a promise for a change.

What's passing strange here is this: You have no money to help farmers move away from growing tobacco, despite the fact that you promised that. You have no funding for those people who are addicted to smoking so that they can access smoking-cessation medications. But you seem to have lots of money for your Liberal friends to design a flashy Web site like stupid.ca.

So on the day when you have no money for smoking cessation medication and you have no money to help farmers move away from growing tobacco, can you tell us how much money, how much of the public's money, you are giving to your personal image consultant for stupid.ca?

Hon Mr McGuinty: Only the NDP could take the most comprehensive, aggressive, progressive anti-smoking legislation in North America, which is designed to specifically address 16,000 deaths every year—

Interjections.

Hon Mr McGuinty:—they may think that's a laughing matter—that cost our health care system \$1.7 billion on an annual basis, and somehow turn that into a bad-news story. Only the NDP could do that.

To repeat, we are not going to announce every single one of our policies today. We have, the last time I checked, until October 4, 2007. We look forward to making further announcements specifically related to assistance for farmers and specifically related to cessation programs.

SOCIAL ASSISTANCE

Mr Howard Hampton (Kenora-Rainy River): To the Premier, I just want the Premier to keep his promises. Last week, you promised a big announcement on social assistance reform before Christmas. People hoped that it would be an announcement that you're ending the clawback of the national child benefit. Instead, we got another letdown. You call tinkering with five of the 800 social assistance regulations "a new vision" for social assistance. You call this tinkering "Restoring Integrity to [the] Welfare System."

Premier, why don't you do something about your own integrity and keep your promise to stop your clawback of the national child benefit?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the minister, Speaker.

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I do have a question for the member opposite. I want to know if he supports the changes that we introduced in the House today. I have to understand why, in the mid-1990s, you decided arbitrarily to take \$100 from families who were here as sponsored immigrants and ended up on welfare. You decided to just dock them \$100 arbitrarily. I want to know, how could you do that to our most vulnerable people in the province?

For 10 years after that, the last government only made things worse by making it very inequitable, very difficult, with barriers to allowing people to move back to work.

I have to tell you, to the member opposite, you should be as interested as we are to help people get a job, because that's what they want.

Mr Hampton: I want to read something for the Premier and his minister. This is a letter from Dalton McGuinty to June Callwood and Rabbi Arthur Bielfeld, July 31, 2003. This is what it says: "My team and I

oppose the Conservative government's practice of clawing back the national child benefit, a practice we will end during our first mandate."

Premier, that is what you promised the poorest families in Ontario, the lowest-income families in Ontario. I want to know today why you're tinkering with five of 800 social assistance regulations but you're not ending the clawback, the taking of \$200 or \$300 a month from the poorest people of Ontario, like you promised.

Hon Ms Pupatello: I know how difficult it is to accept that we're actually improving the system with today's announcement. Let me tell you that the people I have met across Ontario, who said very loudly—maybe not to you, because you don't want to listen to advocates. But our members of the Liberal caucus have heard repeatedly that the last government that decided to knock out the RESPs from families, the few that there were that could actually collect funding for their kids to let them go to school—that was the last government that did that.

I expect the NDP to actually be proud of the fact that we're eliminating this in this announcement. There are several other areas, like raising the level of assets for people who are on disability. We accept that that's what people need out there, and I would expect that the NDP would think that was a very positive move, but instead, despite it being the holiday season, I guess they can't accept something that is good news for the people of Ontario.

1520

Mr Hampton: Premier, you must remember "Honest Deb" Peliti. She was the woman who found \$40,000 on the street and turned it in. Last week, you were in such a hurry to get out there and have your picture taken beside her. She called today, and this is what she said—

Interjections.

The Speaker (Hon Alvin Curling): Order. Last time I thought that the leader of the third party was asking the final supplementary—

Interjections.

The Speaker: I'd like some order. The member for Eglinton-Lawrence and the Attorney General, I'd like to hear the leader of the third party put his third and final supplementary.

Mr Hampton: Telling low-income families who barely have enough money to pay the rent and put food on the table that they're now free to invest in a registered education savings plan completely lacks integrity. It's the equivalent of saying, "Let them eat cake."

Deb Peliti called us today, and this is what she said: "Eliminate the clawback" and her kids will be able to eat from a grocery store, not a food bank.

It's your promise, Premier. When are you going to stop taking \$200 and \$300 a month from the pockets of the poorest, lowest-income families in Ontario and end the clawback like you promised?

Hon Ms Pupatello: It's unfortunate. When the NDP see that our government is doing good for people who are our most vulnerable, it hurts your party. I'm sorry. That is not going to be a reason for us. We will continue to

help the most vulnerable people in Ontario, despite the NDP.

Let me say for the wonderful woman we met last week in this House that her children, if they have a part-time job, will be able to keep that money now because of this announcement. If those children have an RESP, they can keep that RESP and they don't have to cash it. And moreover, we have to be responsible in how we deliver a program.

Interjections.

The Speaker: I don't think the third party wants to hear the answer, because they've been heckling all through the answer.

New question.

Hon Joseph Cordiano (Minister of Economic Development and Trade): On a point of order, Speaker: I'd like to take this opportunity to welcome, from the great state of Georgia, a very distinguished delegation—

Interjections.

The Speaker: I'll wait until after question period, if you submit that to me, and I'll recognize the members from Georgia.

Interjections.

The Speaker: If you were concerned about the clock, all of us would have listened to each other when asking the question and answering it. Could we proceed with question period by the opposition party putting a question.

Mr Cameron Jackson (Burlington): My question is for the Premier. I want to raise an issue regarding a family in Burlington who have been on social assistance for the last four years. They have five children. During this time, their mother has been a home schooler for all five of her children, and she does this in accordance with the parents' deep religious convictions.

Last month, your government informed the family that unless they enrolled their children in a public school, the welfare support for their three children would be cut off—they're aged six, nine and 11. That was cut off for them last month.

Premier, will you stand in your place today and inform this House that you will eliminate this discriminatory policy against children on social assistance whose parents choose home schooling?

Hon Ms Pupatello: Thank you for the question. We're certainly happy to look into it. I can tell you that policies in social assistance are meant to help people; they are not meant to be punitive. While I know this member realizes that I cannot speak to a specific case, I'm very happy to take information from him so that we can look into it.

Mr Jackson: I'm not hearing that the minister will eliminate this discriminatory practice. This is a ruling by your government. Your government has cut the funding for these three children by \$600. That is the amount dedicated to those three children. They're now only receiving \$1,000 a month. The rent for their modest three-bedroom condo—

The Speaker: Order. I'm getting a debate between the member from Nepean-Carleton and the Minister of Children and Youth Services. Could we proceed with the question? The member for Burlington.

Mr Jackson: As I was saying, the family lives in a very modest three-bedroom condo. Their hydro bill for the last month is over \$400. They are unable to make that payment. Christmas is around the corner.

I ask you again, Premier, will you stand in your place and do as you did last week with social assistance recipient Deb Peliti and fully restore the social assistance for these three children in time for Christmas?

Hon Ms Pupatello: As I said earlier, I'm very happy to look into a specific case and hope that the member opposite would have, at minimum, called our offices to see if we could be of assistance. I find it galling that the last government dares to stand in the House today to talk to us about discriminatory policies in welfare. It is—

Interjections.

The Speaker: Order. We could just let the clock roll.

CONSUMER PROTECTION

Mr Peter Kormos (Niagara Centre): I have a question to the Premier. Across Ontario, loan sharks are flouting the law while your government does nothing. Payday lenders are calling in all rollover loans as of January 1.

Rob Ferguson, here in the gallery, visually impaired, eking by on a disability pension, got caught in a payday lending debt spiral. He has already paid hundreds of dollars in illegal interest charges on \$1,100 in loans, and he's still into these guys for 1,350 bucks. He stands to lose his home, and there are thousands just like him.

You've got to act. Will you order these payday lenders to declare an interest amnesty that will allow borrowers to pay off their principal without interest charges?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Minister of Consumer and Business Services, Speaker.

Hon Jim Watson (Minister of Consumer and Business Services): I've had the pleasure of working with consumer ministers from across the country. We, just last week, along with the Minister of Finance and the Attorney General, wrote to the federal justice minister. We want a national, coordinated approach to this particular issue, because this is not something that is unique to Ontario. We very much look forward to receiving a reply from Minister Cotler in Ottawa. We take this problem extremely seriously.

Mr Kormos: Look, these lenders, these loan sharks, are breaking the law. They are violating the Criminal Code every day. One company, Cash Advance Canada, charges \$112 a month in interest fees on a \$500 loan. That works out to more than \$1,300 a year, or 268% in annual interest. I'm sorry to tell you this, but that's against the law. It's contrary to the Criminal Code.

It's the provincial Attorney General and minister of public safety who are responsible for enforcing the law in

this province. The industry says they are cleaning up their act by calling in these rollover loans, but their solution is worse than the cure.

Why don't you send them a real message? Tell them to declare an interest amnesty or, quite frankly, get the Attorney General to start prosecuting these criminals and throwing them in jail where they belong. Why aren't you busting these loan sharks?

1530

Hon Mr Watson: It's a little rich to hear the NDP talking about protecting consumers, because it was that party in particular that was stalling and dragging its feet on Bill 70, a piece of consumer protection legislation. Bill 70, for the first time in the province's history, requires all these payday loan operators to have full and open disclosure, and your party was voting and dragging their feet on the whole matter.

Interjections.

Hon Mr Watson: Obviously I've hit a raw nerve, because finally the people of Ontario are seeing the true face of the NDP: They have no concern or regard for consumers in this province. Our government does.

The Speaker (Hon Alvin Curling): New question, the member for Northumberland.

Interjections.

The Speaker: I'm just waiting for the House leader to stop heckling.

The member for Northumberland.

SCHOOL SAFETY

Mr Lou Rinaldi (Northumberland): My question is to the Minister of Education. Today's students are the heart of the future. School used to be a place where youth could learn, have fun and feel safe. Parents didn't have to worry about sending their children to school. But now it seems that every time we turn on the news or pick up a paper, we are learning of more senseless violence taking place in our schools, even in my riding. What is our government doing to make schools safe for our children?

Hon Gerard Kennedy (Minister of Education): The Ministry of Education is sponsoring a school safety action team of experts from across the province. I emphasize the word "action." Very shortly, we will be bringing in very concrete measures. It is headed up by someone who is very respected in the education community and very well versed; that is, the MPP for Guelph-Wellington, the former head of the school boards' association. It is what I think the people of Ontario both expect and have come to expect from this government, which is two ministries working together. So the parliamentary assistant to the Minister of Community Safety will be working with us at the Ministry of Education to make sure—and I think everyone in this House wants us to be sure—that everything is being been done when it come to anti-bullying, when it come to precautions against intruders in elementary schools, when it comes to making sure that some of the incomplete

work of previous governments is actually causing a greater level of protection for our students.

This is taking place now. It will conduct many of its activities in January, February and March. Our schools will be better off and our students will be safer as a result.

Mr Rinaldi: I'm sure the parents in Northumberland and Quinte West will be pleased to hear that this government takes our kids' safety at school seriously.

Minister, can you be a bit more specific about when we're going to get a report from the action team and when we're going to be implementing these recommendations?

Hon Mr Kennedy: What I want to emphasize for the House is that this is a budgeted set of actions; \$9 million is going to be used to enhance what boards and schools are already doing. They agree that we only get to start the learning and educating of students when we take care of their safety in all different ways.

There will be school safety audits starting in January. There will be access to a provincial hotline for bullying in the early part of the year. There will be anti-bullying programs at every school in the province as part of the first couple of months of work of the action team.

There are aspects that will deserve study and will involve the education community, reference groups on the Safe Schools Act and on the Robins report, which made a number of recommendations, unfortunately a few years ago, on cases of sexual abuse. Those are part of a comprehensive approach, but much of it will affect positively the well-being of students early in 2005.

TEACHERS' COLLECTIVE BARGAINING

Mr Frank Klees (Oak Ridges): My question is to the Minister of Education. On November 29, you sent a four-page letter to all the boards and directors of every school board in this province. Through that letter, you not only interfered with the collective bargaining process but you've effectively taken on the responsibility of bargaining for all collective agreements in the province. In your letter, you state clearly that you intend to clarify to school boards spending decisions in this school year and beyond.

In that letter, the minister made reference to the fact that the government will guarantee funding for four-year contracts. Minister, at the time you signed this letter, were you aware that the Education Act specifically prescribes only three-year contracts, that there is nothing in provincial legislation anywhere that allows for anything but a three-year contract? Were you aware of the act at the time you signed this letter?

Hon Gerard Kennedy (Minister of Education): As I followed the member opposite as he wandered through his question, I gathered he was talking about collective bargaining and how he wants to support free collective bargaining in this province. However, he was a member and part of a previous government that supported Bill 160, which reached into every collective bargaining

agreement in this province after it had been arrived at, as did the social contract.

What we are doing is helping create a climate for peace and stability. We believe it has already taken hold in our education system. It needs not to be taken for granted. It needs active support. The teachers and the support workers want to be there for students.

The former Conservative government lost 24 million days for our students over the last eight years. We have given notice that we will be changing the terms in the legislation. I'll offer the member a briefing so he can stay informed of these things. We've put together a number of very constructive proposals that will enhance the local bargaining table and maintain peace and stability, which is the least—

The Speaker (Hon Alvin Curling): Thank you, Minister. Supplementary?

Mr Klees: I will consider the source of that arrogance, and I will attempt to make it very clear to the Minister of Education what I was asking him.

Interjections.

The Speaker: Order. I would just caution all of you about your words. Please keep your language parliamentary here.

Mr Klees: Speaker, "parliamentary" would be when the minister answers my question.

I am simply saying to this minister that the law of this province calls for three-year contracts. The reading of this letter to every board in the province makes it very clear that he is instructing the boards to attempt to negotiate four-year contracts. That is breaking the law. What is worse, and we will discuss this further, is that he presumes in his letter to the boards that the legislation he will at some point bring forward will be passed. I suggest to the minister that if that isn't contempt of the Legislature, I don't know what is. He may have a majority, but he cannot presume, with every board and every director of education, that that legislation will be passed. I ask the minister, do you respect the Legislature of this province or don't you?

Hon Mr Kennedy: I'm sorry I wasn't at the Magna plant to see where you were sitting as you were respecting the Legislature.

It is passing strange that in the collection we have in the opposition, someone hasn't told the critic that every single year his government was in office they set a guideline for salaries. But here's the difference: They never paid for it. That is the NSF former Conservative government over there, who never backed up multi-year funding. We're doing that. We're putting something behind peace and stability. We're providing guidelines for local bargaining. Local bargaining will determine the final salaries. We have guidelines, incentives to help that happen.

It's a form of modern management that the people across don't understand. We're helping our boards come up with good results. We're motivating the people who can deliver good education in this province. We're showing respect, and we're going to make it work.

GOVERNMENT CONTRACT

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of—

Interjections.

The Speaker (Hon Alvin Curling): Order. Members who are not even in their seats at the front here are heckling. I'd like to hear the member from Nickel Belt.

Ms Martel: I have a question to the Minister of Community and Social Services. Last week, your ministry stopped accepting bids for a contract for a new computer system at the Family Responsibility Office. No doubt this contract will be of significant value. This is the list of companies that have expressed interest in this new computer system, and we note with interest that at the top of the list is none other than Accenture. Andersen Consulting—Accenture—is the same company that came under so much criticism in numerous Provincial Auditor's reports about their bungling of the social assistance and ODSP computer system. Minister, can you guarantee that under no circumstance will Accenture get the FRO computer contract?

1540

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I'd like to tell the member opposite that actually the RFP process closed several weeks ago. We are currently doing a review of everything that was submitted. We have not yet gone back to all the companies to inform them who that successful bidder has been.

What I will tell this member opposite is that we, in this government, have to be fair. We cannot suggest to people that they cannot apply on a request for proposals. We, however, will give this member this guarantee: The company that will get this bid will be able to do this work, and it will be the best of all those that have been submitted.

Ms Martel: Minister, have you ever changed your tune. You see, in his most recent auditor's report, the Provincial Auditor said this about the ODSP computer system designed by Accenture: fails to meet internal controls, fails to meet ministry needs, fails to meet recipients' needs, and causes unexplained errors and omissions. In previous reports, the Provincial Auditor has said that Accenture was paid \$66 million over the cap for the computer project, was paid for work it did not do, and had staff who were regularly paid more than comparable ministry staff doing the same work.

In opposition, Minister, you had so much to say about Andersen Consulting and Accenture. You called on the previous government to end the boondoggle. Well, Minister, the ball is now in your court. Will you confirm today, will you guarantee today, that Accenture will not get the computer contract of the FRO?

Hon Ms Pupatello: The NDP, I know, has not been government for some time. However, if this member opposite is thinking for a minute that I'm going to interfere with a process that went through a fairness commissioner to make sure our RFP process was absol-

utely pristine, no, I am not tampering with that process. I have a lot more integrity apparently than that member opposite.

WATER QUALITY

Mrs Carol Mitchell (Huron-Bruce): My question is for the Minister of the Environment. Minister, I need to tell you how big an issue water quality is in my riding. Ever since the tragic events of Walkerton, people across my riding shudder at the thought that Walkerton could happen again. My constituents, along with all Ontarians, deserve the best water quality in the world. Water quality is not something to be taken lightly. There are many things we can go without in this world, but water quality is not one of them.

Yesterday, you announced that the McGuinty government is taking a new, science-based, comprehensive approach to protecting drinking water resources. Minister, how will your announcement help ensure that my constituents don't become victims of poor water quality?

Hon Leona Dombrowsky (Minister of the Environment): It is indeed an important question. I'm happy to report to the members of this Legislature that our Premier and this government is committed to ensuring that when someone turns on the tap in Ontario, the water is safe to drink.

Yesterday I was able to announce that the two technical committees that were formed over a year ago presented reports to me. There are over 250 recommendations from the technical experts committee as well as from the implementation committee. Their recommendations are now posted on the Environmental Bill of Rights registry. We will receive comments from the public on those recommendations. The recommendations and the comments will inform our government as we go forward.

I also want to add that the work of this committee—some of the experts we collected for this work were some of the best science experts in the world, so we believe we have the very best foundation upon which we will now bring forward legislation.

Mrs Mitchell: Minister, water quality is a very serious issue, and I'm glad to see that this government is serious about cleaning up Ontario's water bodies and our drinking water. But good water quality goes beyond knowing how much water we are taking; it takes leadership that will look at water from source to tap.

Minister, what are we doing to ensure that the water that comes out of our taps is being closely monitored to keep it free of harmful contaminants?

Hon Mrs Dombrowsky: I'm really happy to have this opportunity to talk about the many initiatives that our government has underway to protect water, water quality and water quantity in Ontario. We are committed to O'Connor's recommendations. I'm proud to announce that so far we have been able to implement 24 of O'Connor's recommendations. We have hired 33 more water inspectors. We have increased the standards for water inspectors in the province. We have introduced the

toughest training regime for water inspectors. We have created the clean water centre. We have established the Advisory Council on Drinking Water Quality and Testing Standards. We are going to be introducing source water protection legislation, the first of its kind in North America.

We know that we have an opportunity here to be a beacon of light for people around the world in terms of how to protect water from source to tap.

DRINKING AND DRIVING

Mr Jim Wilson (Simcoe-Grey): My question is to the Minister of Transportation. MADD Canada, Mothers Against Drunk Driving, recently produced a report that found that most drivers convicted of impaired driving were simply "dropping out of the system" by deciding not to complete any of the required steps to get their driver's licence reactivated. In fact, of 16,500 people convicted of impaired driving each year, only 2,000, or 12%, complete the necessary steps to get their licence back. That means there's a soaring number of convicted impaired drivers driving on our roads right now without insurance or a driver's licence.

This is a horrible situation—so horrible, in fact, that you tried to suppress MADD Canada's report. It's a major safety issue. Why haven't you done anything about it since this has come to your attention—

Interjections.

The Speaker (Hon Alvin Curling): Order. Member from Simcoe-Grey, would you like to couch your words in a different way that is not unparliamentary?

Interjections.

The Speaker: Member from Don Valley East, could you come to order, please.

Interjections

The Speaker: And also the House leader for the government.

Mr Wilson: MADD Canada tells me that the minister—his office, the ministry—tried to prevent the release of their report, and they're quite mad about it, Mr Speaker, I might want to tell you.

Minister, what are you doing to stop this horrible situation? Will you respond to MADD Canada's concerns within 30 days, as they've requested?

Hon Harinder S. Takhar (Minister of Transportation): Driving impaired is not acceptable, and we take that very seriously. This is the first time I ever heard that we are holding up the report, but I will check into that and then report back to the House.

Mr Wilson: How could you not know about such a significant report that shows that of 16,500 convicted impaired drivers, 2,000 of those, or 12%, bother going through steps like the ignition interlock or the remedial program that they're all required to go through? How could you not know that, as Minister of Transportation? That's a shame. You tried to suppress the report. The report is out. MADD Canada has briefed your staff. Mothers Against Drunk Driving are rather frustrated about this—

The Speaker: Order. I'm going to disallow that question instead of naming you. I warned you already about that language.

Mr Wilson: What did I do wrong now?

Interjections.

The Speaker: Order. I would ask all members to just come to order. I know that we must be a little bit edgy today, but the fact is that I'd like us to conduct ourselves in a good parliamentary way. As well, I'd like to have a good session in here. I'd like the co-operation of all members. I'm finding it extremely difficult over the last couple of weeks to do so. If you want to question my judgment, you may do so, but I will tell you that we know what procedure we can take in that matter.

Mr John R. Baird (Nepean-Carleton): On a point of order, Mr Speaker: The word "suppression"—

Interjections.

The Speaker: Order. I will again ask you all that we conduct ourselves in a good manner.

Mr Baird: Shame, shame, shame, shame. Let's walk out. This is a disgrace. This is an absolute disgrace.

Some honourable members left the chamber.

The Speaker: One second. Those members who want to leave the chamber, that's fine.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: Could I please prevail on you to call a five-minute recess, preserve the balance on the clock, to avoid a most regrettable incident today that could have long-term repercussions? Speaker, I believe the matter can be resolved. It's a very regrettable situation when you've got a whole caucus, the opposition caucus, walking out; great concern. We only have one more day here tomorrow before the break until February. A five-minute recess and perhaps some reflection might serve everybody well.

The Speaker: Order. On the request of the member from Niagara Centre, we'll take a five-minute recess.

The House recessed from 1552 to 1610.

The Speaker: Let me start by saying that it would be most helpful to me as Speaker if all members are cognizant of the decorum of this place in respect of both their actions and their words. Question period in this place is often somewhat raucous, and given the nature of some of the subject matter, that, to an extent, is to be expected. It is this very nature of question period, though, that causes some difficulty for the Speaker in terms of being able to maintain an appropriate level of decorum. That is, nevertheless, my goal and my motivation.

Having said that, I have reconsidered my earlier decision with respect to language used by the member for Simcoe-Grey and I am prepared now to hear his supplementary.

Just before that, though, I would ask the agreement of the House to allow us to proceed through to the end of question period and petitions, notwithstanding the clock. Agreed? Agreed.

The member for Simcoe-Grey.

Mr Wilson: Thank you, Mr Speaker, and thank you for your ruling.

Minister, as I was saying, there are 16,500 people convicted of impaired driving each year, and 12%, or 2,000 of them, bother going through the system at all to get back their licences. What are you doing about that? Are you prepared to get back to MADD Canada within 30 days about their concerns and the report they have provided to you?

Finally, will you start asking your ministry to co-operate with police services, like they do in Alberta, where the pictures, names and addresses of people who are driving with suspended licences are given to police so they can carry them around in their cruisers and get these people off the road? We don't do that in Ontario. Or will you at least do what Manitoba does, which is impound the cars of these people so they can't drive around without a valid driver's licence?

Hon Mr Takhar: Let me first of all say that MADD had a report issued on May 19, 2004. That report was presented to us. We acknowledged that report. It is their report. They are free to release it whenever they want. If they have not released it, it's not because of us.

Let me give you some information about what has been done. About 4,717 lifetime suspensions have been issued in Ontario; 84,328 drivers have been notified of requirements to complete their remedial measures; 27,919 people have lost the privilege to drive for 90 days. I am not sure whether they drive or not. Our information is that what we are supposed to do is make sure the people don't drive when they're drinking.

We have extensive measures in place. There's a 90-day driver's licence suspension, a mandatory back-on-track remedial measures program, a vehicle impoundment program and an ignition interlock program already in existence.

We will continue to work with MADD. We met with MADD in December, along with the Minister of Community Safety, and we will continue to work with them.

MUNICIPAL RESTRUCTURING

Mr Michael Prue (Beaches-East York): My question is to the Minister of Municipal Affairs. Your Premier, prior to the last election, pledged to the people of Kawartha Lakes, "A Liberal government will ensure a binding referendum is held to allow local citizens to determine whether to dismantle the amalgamated city." As you are aware, the people voted 13 months ago to de-amalgamate. They voted to democratize and get back to the kind of municipal structure they knew was going to work best for them. You and your government, though, have refused to accede to the democratic will. However, even though you weren't going to agree with the vote, you have stated in this Legislature that you were prepared to look at alternative proposals if they were brought forward. Three weeks ago, the people of Kawartha Lakes came forward with an alternative proposal, and to date you have done nothing.

My question to you is, will you keep your word to honour the wishes of the people of the city of Kawartha Lakes or do you again choose to fail them?

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member for his question. We believe in local government on this side of the House, and we believe that the way a municipality reacts to the will of its own people is through its council. We have said over and over again that if the council of a municipality comes forward with a better method in which services can be delivered to the people of that municipality, we are always prepared to look at new, alternative ways in which services can be delivered. We will do that for the city of Kawartha Lakes or indeed any other municipal council that comes forward with that kind of resolution. I have not seen a resolution from the city of Kawartha Lakes, but if it comes forward, we will certainly give it due consideration.

Mr Prue: With the greatest of due respect, this was sent to your office, and I got a carbon copy three weeks ago. The group of citizens put forward an alternative proposal, taking into account the problems that you stated to this Legislature you have with four of the municipalities that existed before. This has been vetted by the city of Kawartha Lakes. It went into, and was unanimously approved by, the committee that was set up by that municipal council. It then went before the council of the city of Kawartha Lakes, who sent it by majority recommendation directly to your office. You must have had a chance to read it by now; surely your bureaucrats must have told you something; but nothing has been done. I'm wondering what the people of Kawartha Lakes have to do to get their municipality back.

Will you keep Dalton McGuinty's promise, will you keep your own promise, will you keep your own commitment; or do you choose to end this session with another broken promise and your government's integrity, to that city, in tatters?

Hon Mr Gerretsen: The question was so convoluted that I'm not sure whether he actually said that the council for the city of Kawartha Lakes has passed a resolution endorsing a particular position, or whether or not a group of people in Kawartha Lakes are of that opinion.

All I can tell you is that as far as I'm aware, as of today we have not received a copy of the resolution that was passed by Kawartha Lakes. It could be the Christmas postage time. It takes a lot longer for mail to be delivered.

I can give the member this assurance: Once we get a resolution from the duly elected council for the city of Kawartha Lakes, we will take it under every consideration, and we will want to make sure that the people of Kawartha Lakes get the best service delivery possible of municipal services.

TOURISM

Mr Lorenzo Berardinetti (Scarborough Southwest): My question is to the Minister of Tourism and Recreation. As you know, more than a year ago our province's tourism industry was dealt a severe blow as a result of the SARS outbreak. What initiatives have been undertaken

by your ministry to help our province's tourism sector rebound from this unfortunate setback, and what impact have these initiatives had on the overall health of our province's tourism sector?

Hon James J. Bradley (Minister of Tourism and Recreation): It's an excellent question, because everyone recognizes that the SARS crisis was a substantial blow to Ontario. As a result, we have been moving forward the tourism revitalization program, which was lauded at a press conference last week by the Greater Toronto Hotel Association and Tourism Toronto as being very successful in turning around tourism in this province. Since July 2003, more than \$42 million has been allocated for 70 projects in Toronto alone.

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Mr Berardinetti: Thank you for that. I know your ministry has taken some key initiatives and you've taken some very strong steps toward trying to deal with this problem. What has been the overall impact of these initiatives on the health of our province's tourism sector?

Hon Mr Bradley: The impact has been very significant in turning around tourism in the province. The member would know, for instance, that we funded such things as the Toronto Jazz Festival, several theatre packages, and the Tennis Masters tournament. We had some packages with the Blue Jays. We funded Caribana. We helped to fund the Toronto International Film Festival and the Royal Winter Fair. The list goes on.

The result is that we're seeing a turnaround in tourism in Ontario. It has not been equal around the province, but we have seen some substantial changes and movement upward as a result of a combination, everybody working together. We have been prepared, as a government, to be a partner with others in the province, and as a result we're seeing some good things happening for Ontario.

VISITORS

Hon Joseph Cordiano (Minister of Economic Development and Trade): On a point of order, Mr Speaker: I just want to acknowledge the presence of a delegation from Georgia that was visiting us here today. There was the commissioner for the Georgia department of economic development, Craig Lesser; the deputy commissioner from the department of economic development, Carlos Martel; and the Canadian Consul General in Atlanta, Malcolm McKechnie. I'd like to say thank you to them for visiting us and acknowledge that they were here today.

PETITIONS

HEALTH CARE

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Liberal government has announced in their budget that they are delisting key ... services such as

routine eye exams, chiropractic and physiotherapy services;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services."

I have signed this also.

SEXUAL HARASSMENT

Ms Marilyn Churley (Toronto-Danforth): I have some petitions that read:

"To the Legislative Assembly of Ontario:

"Whereas the rising rate of sexual harassment and other forms of discrimination in the workplace is a troubling concern;

"Whereas harassment victims suffer unnecessary economic, psychological and physical threats when their cases are brought forward for investigation;

"Whereas the untimely death of Theresa Vince, who was harassed and murdered by her manager over seven years ago, unfortunately serves as evidence of the need for better worker protection from harassment;

"Whereas Bill 126 amends the Occupational Health and Safety Act to define harassment as a charge under the act;

"Whereas Bill 126 requires employers to put an immediate stop to the source of harassment and commence an independent investigation in real time; and

"Whereas Bill 126 protects victims from potential economic hardship, providing employees the right to alternate work arrangements and granting adequate compensation for any absences related to the harassment;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately call Bill 126, the Occupational Health and Safety Amendment Act (Harassment), for second reading, third reading and final vote."

Since it is my bill they're referring to and I support this cause, I will affix my signature to the petition.

PER DIEM FUNDED AGENCIES

Mr Mario G. Racco (Thornhill): I have a petition with 179 signatures, and it reads:

"To the Legislative Assembly of Ontario:

"Whereas over 4,000 vulnerable children, youth and adults are provided with high-quality services in residential care and treatment homes in the province of Ontario, including those individuals who are medically fragile, developmentally handicapped, autistic, physically abused, neglected, conduct-disordered, young offenders, and emotionally disturbed; and

"Whereas over 4,000 child and youth workers are dedicated in their profession to work with vulnerable children, youth and adults in the provision of an accepting, safe, supportive, therapeutic environment; and

"Whereas the McGuinty government's 2004 budget promised \$38 million to children's mental health services or otherwise a 3% operational increase to those agencies who have not received an increase in several years; and

"Whereas the government has excluded the 93 agencies and more who serve this vulnerable population under a funding structure referred to as 'per diem funded agencies'; and

"Whereas, by excluding these children of the province and the dedicated staff who serve them from the 3% increase promised in the 2004 budget, agencies will close down, thereby handicapping government with respect to the delivery of service and costing the government far more by placing those hard-to-serve clients in more costly facilities,

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario do the right thing, help and assist the lives of the many, many vulnerable people in Ontario and include per diem agencies (Ontario Association of Residences Treating Youth) in the 2004-05 provincial budget. Keep your promise and commit to the 3% increase in staff and client funding. The Parliament of Ontario should recognize that the clients and staff are all citizens of Ontario and should not be penalized by virtue of where they reside or where they may be placed."

I give you this petition.

DISTRICT OF MUSKOKA

Mr Norm Miller (Parry Sound-Muskoka): I have petitions to keep Muskoka part of northern Ontario.

"To the Legislative Assembly of Ontario:

"Whereas the district of Muskoka is currently designated as part of northern Ontario; and

"Whereas the geography and socio-economic conditions of Muskoka are very similar to the rest of northern Ontario; and

"Whereas the median family income in the district of Muskoka is \$10,000 below the provincial average and \$6,000 below the median family income for greater Sudbury; and

"Whereas removing the district of Muskoka from northern Ontario would adversely affect the hard-working people of Muskoka by restricting access to programs and incentives enjoyed by residents of other northern communities; and

"Whereas the residents of Muskoka should not be confused with those who cottage or vacation in the district; and

"Whereas the federal government of Canada recognizes the district of Muskoka as part of the north; and

"Whereas this is a mean-spirited and politically motivated decision on the part of the McGuinty government;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the McGuinty government maintain the current definition of northern Ontario for the purposes of government policy and program delivery."

I support this petition and affix my signature to it.

ONTARIO FILM AND TELEVISION INDUSTRY

Mr Tony Ruprecht (Davenport): I have a petition to the assembly. It reads as follows:

"Whereas the foreign export production industry in Ontario has been badly hit by the recent economic events that have transpired here over the course of the past 18 months. The situation is quickly getting worse and the industry is in crisis. We need fast, effective action on the part of the provincial government to prevent the exodus of export production revenues from this province;

"Whereas we are in desperate need of a substantial increase in the provincial foreign film labour tax credit to stop the exodus of production. We are at risk of total industry erosion of infrastructure and jobs in this industry;

"Whereas, without a major increase in the foreign film tax credit of up to 30% from the existing 11%, we have no hope in restoring to the levels to where we were pre-2003;

"Whereas there are currently 25,000 taxpaying jobs at risk here. The end effect will result in millions of dollars in lost direct revenues for the province and hundreds of thousands of dollars the provincial government will have to pay out in unemployment insurance benefits;

"Whereas an increased provincial foreign production services tax credit is not a subsidy that will be a drain on provincial coffers. It will only serve to protect the livelihoods of thousands of industry-dependent workers and taxpayers, as well as the ever-so-important infrastructure that has taken decades to develop;

"Therefore, we, the undersigned, as workers in the Ontario film production industry, demand immediate action by the Liberal government to act swiftly to save the foreign film and television production sector."

Since I agree, I will sign this document.

FREDERICK BANTING HOMESTEAD

Mr Jim Wilson (Simcoe-Grey): A petition to the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient"—in medicine; "and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth"—Alliston—"is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use

part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come."

I agree with this petition and have signed it.

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NATIONAL CHILD BENEFIT SUPPLEMENT

Mr Gilles Bisson (Timmins-James Bay): I have a petition addressed to the Legislative Assembly of Ontario to stop the clawback.

"Whereas one in five children in Ontario live in poverty;

"Whereas, as part of the national child tax benefit program, the federal government gives a supplement to low-income families across the country to begin to address child poverty;

"Whereas that money, up to approximately \$100 a month per child, is meant to give the poorest and most vulnerable children a better chance in life;

"Whereas in Ontario the Conservative government deducts the child benefit supplement dollar for dollar from those living on social assistance;

"Whereas this is leaving our province's neediest children without extra money they desperately need to begin to climb out of poverty;

"Whereas all children are entitled to a fair chance at life—" and I know the page agrees with this;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand that the provincial government of Ontario stop the clawback of the national child tax benefit supplement and ensure the federal money reaches all low-income families in Ontario."

I've signed that petition as well, and thank you, Kate.

UNIVERSITY AND COLLEGE FUNDING

Mr Kuldip Kular (Bramalea-Gore-Malton-Springdale): This petition is to the Legislative Assembly of Ontario from the Association of Part-Time Undergraduate Students.

"Whereas the Ontario government has made a commitment to the Canadian Federation of Students to freeze tuition fees for at least two years; and

"Whereas the Ontario Liberal government has also promised students that this tuition fee freeze will be fully funded; and

"Whereas the increases in federal transfer payments to the provinces for post-secondary education have not kept up with inflation and today comprise a smaller portion of the Canada health and social transfer education fund than they did in 1995; and

"Whereas today federal funding for post-secondary education is about \$3 billion less than what it would have been had funding not been cut in 1995; and

"Whereas the federal underfunding of post-secondary education makes improving access to and enhancing the quality of post-secondary education even more challenging;

"We, the undersigned, petition the Legislative Assembly of Ontario to call on the federal government to immediately inject \$3 billion into the Canada health and social transfer fund for post-secondary education, and request that these monies be accounted for separately through the post-secondary education fund."

I also sign this petition.

HEALTH CARE

Mr Frank Klees (Oak Ridges): I'm pleased to present a petition which was forwarded to me by Pat Earl, the activity coordinator at Delmanor Elgin Mills. It's signed by 90 residents at Delmanor and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services."

I'm pleased to add my name to this petition because I fully agree with the residents at Delmanor.

IMMIGRANTS' SKILLS

Mr Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly from the home of Taposhi and Upendra Pai in Mississauga, and it relates to access to trades and professions in Ontario.

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other in-

stitutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario's professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate the entry, or re-entry, of skilled workers and professionals trained outside Canada into the Canadian workforce."

I absolutely agree with this petition. I'll sign it and ask Sushil to carry it for me.

LESLIE M. FROST CENTRE

Ms Laurie Scott (Haliburton-Victoria-Brock):
"Save the Frost Centre.

"To the Legislative Assembly of Ontario:

"Whereas the Leslie M. Frost Natural Resources Centre has a long history in the county of Haliburton and provides an important historical link dating back to its use in 1921 as a chief ranger station; and

"Whereas the history in the use and management of natural resources in Ontario stretches back to the 1600s and forms an integral part of the overall history of the province and Ministry of Natural Resources, and the history of the ministry and the Frost Centre itself easily qualifies as a significant historic resource; and

"Whereas the Minister of Culture, Madeleine Meilleur, has said, 'The McGuinty government values and is committed to conserving Ontario's heritage for the enjoyment and benefit of present and future generations'; and

"Whereas the Frost Centre is an important educational resource for the community, being described on the Ministry of Natural Resources Web site as 'Ontario's leading natural resources education, training and conference centre'; and

"Whereas closure of the Frost Centre would cause economic hardship in the local communities of the county of Haliburton and district of Muskoka due to direct job losses and loss of tourism dollars spent in local communities; and

"Whereas the local community has not been consulted about the closure plan;

"We, the undersigned, petition the Parliament of Ontario as follows:

"The Dalton McGuinty Liberals should not close the Leslie M. Frost Centre."

It's signed by hundreds of people from my riding, and I agree.

ANAPHYLACTIC SHOCK

Mr Dave Levac (Brant): I appreciate the opportunity to put this petition before the Legislative Assembly of Ontario. It reads:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario"—and we also have some pages here who are anaphylactic;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I sign my name to this petition and hand it to Emma, our page.

HOUSE SITTINGS

Hon James J. Bradley (Minister of Tourism and Recreation): I seek unanimous consent for the House to sit beyond 6 pm this evening for the purpose of considering government business.

The Deputy Speaker (Mr Bruce Crozier): Mr Bradley has requested unanimous consent. Do we have consent? Agreed.

ORDER OF BUSINESS

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I would like to move a motion that we've already got agreement on about how we'll proceed with debate.

The Deputy Speaker: You're asking for consent to move a motion. Do we have consent? Agreed.

Mr Bisson: I seek unanimous consent to proceed as follows on this afternoon's debate: On Bill 17, there shall be five minutes allotted to each recognized party, and at the end of the time the Speaker shall put every question necessary to dispose of the third reading stage of the bill. Thereafter, the remaining time to 6 pm shall be split equally between consideration of Bill 124 and Bill 84 and the time for consideration of each bill shall be split equally among the recognized parties, and at 6 pm the Speaker shall put the question on the motion for third reading of Bill 84 and Bill 124.

I would like to thank the clerks for that.

Hon Mr Bradley: For clarification, Mr Speaker, could the member read that into the record again?

Mr Bisson: Sure. Let me get it back here. This is beginning to be a habit. I thought I read it well. Here we go again.

I seek unanimous consent to proceed as follows for the afternoon debate: On Bill 17, there shall be five minutes allocated to each recognized party, and at the end of the time the Speaker shall put every question necessary to dispose of the third reading stage of the bill. That deals with 17. Thereafter, the remaining time to 6 pm shall be split equally between consideration of Bill 124 and Bill

84 and the time for consideration of each bill shall be split equally among the recognized parties, and at 6 pm the Speaker shall put the question on the motion for third reading of Bill 84 and Bill 124. That deals with all three.

The Deputy Speaker: Agreed? Agreed.

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ORDERS OF THE DAY

EXECUTIVE COUNCIL AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LE CONSEIL EXÉCUTIF

Mr Bryant moved third reading of the following bill:

Bill 17, An Act to amend the Executive Council Act /
Projet de loi 17, Loi modifiant la Loi sur le Conseil
exécutif.

The Deputy Speaker (Mr Bruce Crozier): Mr Bryant?

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): As we begin third reading debate on this bill, I say to this House that this bill, in my view, is an important statutory affirmation of our parliamentary system. That is to say, we do not have a presidential system where the executive is held accountable, not through question period but in essence through press conferences. We do not have a system whereby you have Congress calling executive members for questioning only through systems of inquiry. Rather, we have in our parliamentary system not only a convention but, in the event this bill receives the confidence of the House, we will have in the laws of Ontario, within this jurisdiction, an affirmation of exactly how the executive is held accountable to the people.

We are to be here every day the Legislature is in session to answer questions from all members of the House. What that means is that, unlike many other jurisdictions and even many other provinces where there is quite limited question period—in the United Kingdom, for example, a particular minister would not be called upon, in most cases, for 15 sessional days. Even though you may have a burning issue on a particular matter, you couldn't ask that question to that minister on that day, because that's not the way their question period, their system, works. Ours is different. Ours is one of the longest, if not the longest, question periods we have in Canada. Ours has a tradition whereby, historically, we have the first minister and ministers here on a regular basis.

There's no need to get into the past. Suffice it to say that we made a commitment in the last election to ensure we would have a law in Ontario that would require a level of attendance from the executive council that people would have confidence in. We did that for a reason.

We did that because we felt the need to put that in place. We felt that we needed to show some leadership and that we needed to put it into law. We needed to give the people some confidence that their cabinet, the government of the day, would be in the House to answer questions. It is through the Legislature that the people hold a government to account, and that is what happens here.

Unlike other jurisdictions, we have a system where, most of the time, the first minister and ministers are here, basically almost every day. What's "almost every day"? In this case, we said it has got to be two thirds of the time. I thought it was a very reasonable approach. I think what it does is that it makes a historical statement as to exactly how our system works. It sets a precedent. It requires that we be here.

There are some remedies. I know some people have taken issue with the remedies in hand, but I say, if you don't have some kind of remedy, if you don't have some kind of consequence for those who don't attend on a regular basis, then it ends up being a hollow commitment.

We made the commitment that we would bring in a new law in Ontario that made what should be taken for granted in fact the law of Ontario. If that gives people more confidence in this place, then that is a good thing. We have standing orders. We have requirements. Some things are necessary; some things may seem trite. But in any event, it is a statement as to exactly how our system is supposed to work. I think it is particularly important—almost a constitutional moment—to be clear to the people of Ontario exactly what is expected of their government, of their executive council, of the cabinet in the Legislature.

Yes, there are conventions that have governed. Those conventions held true, and that meant you had regular attendance of Premiers like Bill Davis, David Peterson and Bob Rae. We are seeing very active, I would say, and consistent attendance by our current Premier. In order to ensure that we always have that, that we put into place a system that will survive the hopefully very long tenure of this particular government, that we have in place a system and laws that give people confidence that you are going to have the kind of accountability that people want—democratic renewal is about increased transparency, it's about increased accountability, and it's about giving people some power back and some confidence in their system. As we see the political malaise set in further and further, day after day, and as attendance in elections declines, we need to do things in this Legislature that give people confidence in the accountability of the members and the government of this House. I submit that that's what this bill does.

The Deputy Speaker: Further debate.

Mr Toby Barrett (Haldimand-Norfolk-Brant): The reason I am rising is that I would ask the members present for unanimous consent to stand down the debate for our debater on Bill 17. He's in a meeting. He does wish to speak to it. He's on his way down.

The Deputy Speaker: He's asking that their five minutes be stood down. Agreed? Agreed.

The member for Timmins-James Bay, are you ready?

Mr Gilles Bisson (Timmins-James Bay): Yes. I'm not going to take the full five minutes. I just want to put on the record a couple of things.

It's an interesting bill. It gets at an issue that we often get frustrated about in opposition, and that is the issue of ministers not attending question period. Clearly, in our parliamentary system there is a tradition called question period. It is there for the opposition to hold the government accountable for its decisions vis-à-vis what they do in cabinet. The idea that the government had put forward, which I guess nobody can really argue with, is that we have to make sure that ministers are present in order to answer those questions. Often, in opposition, we're frustrated because, as critics, we want to ask a question to the minister responsible, and if he or she is not here, it is a problem.

It seems to me that there are other mechanisms that the government could use in order to make sure that ministers attend question period. For example, Mr Colle, imagine I was Premier and you were in my cabinet. I would say, "If you don't come to question period, you're not in cabinet. It's a simple process. I expect you to be on the job." It's like, we have constituency assistants. If our constituency assistants, our Legislative Assembly staff, don't come to work and don't have a good reason to tell us why they weren't there, we don't say, "Well, we're just going to deduct your pay." At some point we say, "You're fired." We expect people to do their jobs.

I respect that ministers of the crown can't be at every question period. I understand that. Ministers are very busy, as are critics. At times, critics can't be here for question period as well. So I think there needs to be a certain understanding of what is expected. I'm not so sure that this has got to be done in law.

Why is the government doing it? It's kind of interesting. I guess they are trying to follow through on a commitment they made in the last election. It is nice to see for a change the government trying to keep a promise, because we know that this government is notorious at not keeping their promises. I want to congratulate the government for somewhat keeping a promise, which I thought was kind of a novel idea considering how long these guys have been around and how they have managed to break almost every other promise they had in the platform. I want to congratulate the government on that point.

Hon George Smitherman (Minister of Health and Long-Term Care): Did you promise the social contract?

Mr Bisson: I want to come back to my good friend Mr Smitherman, because I've got a lot of respect for Mr Smitherman. He's a hard-working minister of the crown, and I have no problem saying that here in the House. I've got a good relationship with him. We've worked on a number of issues together. I have said to my community, as I say privately and publicly, that he responds to the

issues that I bring before him. I have no quarrel with him. I know that Mr Smitherman loves being in question period, because he excels at question period. He understands the cut and thrust of this place, something that some members of the opposition and often members in cabinet don't understand. I've just got to say to my good friend Mr Smitherman, I always look forward to question period and watching your responses. I may not agree with everything that you're saying, but you certainly are good on your feet, and I respect people who are able to think on their feet and don't have to get up and say, "Mr Speaker, the answer to the question is—let me look at my briefing note." That's one thing that George does well. You can put that in your Hansard and go around with it, if it's worth anything.

I think accountability, in the end, comes down to two things as far as people attending here for question period. Number one, you should be accountable to the Premier. Partly this bill does that, but I would have a pretty simple standard. If I had a minister who was slacking off, not showing up for question period, I would say, "Listen, I've got a whole bunch of other people in my caucus who want to be here and I'm sure that somebody else would be willing to come if I asked them, so why don't you leave?" The second thing is, accountability comes in the form of our voters. If members don't attend the House on a regular basis and are not here, people know that, and at the end of the day it's up to the local citizens who elected the member to make that decision.

Those are the points I wanted to make.

1650

The Deputy Speaker: Further debate? Further debate? Further debate?

Mr Bryant has moved third reading of Bill 17, An Act to amend the Executive Council Act. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Mr Barrett: On a point of order, Mr Speaker—

The Deputy Speaker: Just a moment. A vote is being taken.

Call in the members. This will be a 30-minute bell.

I have received a deferral notice, pursuant to standing order 28(h), signed by the chief government whip. This will be deferred until Thursday, December 16.

Hon James J. Bradley (Minister of Tourism and Recreation): On a point of order, Mr Speaker: I think what happened was that there was an agreement on the amount of time allocated for the debate. We're happy to stand down the official opposition's time, but the time for debate ran out. That's what happened. We're happy to accommodate you on that. I know the member couldn't make it because he's in committee right now.

The Deputy Speaker: That's not a point of order, but it's a good explanation. The point was, I called for debate three times and no one stood. So, on we go.

HEALTH PROTECTION AND PROMOTION

AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LA PROTECTION ET LA PROMOTION DE LA SANTÉ

Mr Smitherman moved third reading of the following bill:

Bill 124, An Act to amend the Health Protection and Promotion Act / Projet de loi 124, Loi modifiant la Loi sur la protection et la promotion de la santé.

The Deputy Speaker (Mr Bruce Crozier): Mr Smitherman.

Hon George Smitherman (Minister of Health and Long-Term Care): I'm very proud to rise today to speak about a bill I introduced in this House on October 14: Bill 124, the Health Protection and Promotion Amendment Act.

I do want to particularly acknowledge my parliamentary assistant, the member from Stormont-Dundas-Charlottenburgh, for the good work he has done on this very, very important bill, and also the members on both sides for the feedback we've received.

This bill amends the Health Protection and Promotion Act and gives independent powers to the chief medical officer of health.

As I said back in October, I prefer to think of this legislation as the independent chief medical officer of health act, and I know that's how many other people will view it as well. This proposed legislation reflects our government's commitment to the renewal of public health, and one of the first and foremost important steps in that renewal is increasing the independence of the chief medical officer of health.

As Ontarians know, we have been consistent on this. During the election campaign just over one year ago, our platform called for more independence for the chief medical officer of health. There is increasing consensus that as, in effect, the top doctor for 12 million Ontarians, the CMOH must be able to provide leadership while at the same time having the right—in fact the obligation, independent of government—to speak openly about public health issues.

Ontarians need to be assured that they will be informed of important public health issues in a timely way and that the information will not be subjected to a political filter. In addition, the chief medical officer of health must have an appropriate level of independent authority to act quickly and decisively in situations that pose risk to the health of Ontarians.

We know from SARS—in fact, we know from the flu alone—that in 2004, soon to be 2005, the world truly is a global village and increasingly diseases do not know borders. To meet these critical concerns, the Health Protection and Promotion Amendment Act will take a substantive step forward, revitalizing Ontario's public health system and increasing independence for our chief medical officer of health.

If this bill is passed, Ontario will join British Columbia, Alberta, Manitoba and Quebec, which have all in different ways granted a level of independence to their CMOH. The legislation builds on the experiences of other jurisdictions and allows us to fulfill our campaign commitment.

I'd like to take a moment to talk about how Bill 124 is a key component of our plan to revitalize public health in this province. On June 22, I announced the launch of Operation Health Protection, a three-year plan to rebuild public health. Operation Health Protection calls for bold, system-wide changes that will make our public health system stronger, more responsive and sustainable for future generations. This plan marks the first comprehensive changes to public health since the 1980s. Operation Health Protection will enable us to deliver on our ultimate goal to make Ontarians the healthiest Canadians.

Bill 124 is a big part of our plan. The plan and the bill are informed by the difficult lessons learned from Ontario's experiences with Walkerton, the West Nile virus and SARS. The plan is drawn from the recent recommendations from the expert panel on SARS and infectious disease control chaired by Dr David Walker, whom I had the honour and opportunity to meet with this morning, and the interim report of Mr Justice Archie Campbell. Both the Walker panel and the Campbell commission called for greater independence for the chief medical officer of health and they concurred on the approach that we followed in this legislation.

A central theme that has emerged from these reports and recommendations is that in order to protect Ontarians, the province needs a CMOH with a strong and independent mandate to report and make recommendations on threats to public health. Ontarians deserve an independent advocate for public health. If this legislation is passed, future CMOHs would be appointed to the Legislature over a five-year renewable term. An expert recruitment committee would be established, composed of people who best understand the many requirements of this critical job: public health doctors, nurses and academics. This committee would screen and interview applicants for the position and, following that process, the committee would recommend a candidate. It would then be up to the standing or select committee to interview the candidate, assess his or her qualifications and then report back to the Legislature. The Legislature would then vote on that report, accepting or rejecting the candidate. What is important is that the final decision would be made by the members of the Legislature of Ontario, not by the Minister of Health.

If this proposed legislation is passed, the CMOH would be required to make an annual report to this Legislature and be authorized to make any other reports to the public that they consider appropriate at any time. As well, a number of powers under section 86 of the Health Protection and Promotion Act would be transferred from the health minister to the CMOH. These powers deal specifically with the authority to take necessary action to protect the public in any health crisis

or to appoint others to take that action. They are powers that, until now, have resided exclusively with the minister. Under this legislation, they would reside exclusively with the person best suited to wield them, and that is the chief medical officer of health. The chief medical officer of health would also serve as assistant deputy minister of public health, enabling him or her to play a leadership role in setting public health policy. We feel it is critical that the CMOH remain an employee of the ministry to ensure continued management and coordination of public health within the health care system. If the CMOH were not a ministry employee, it would impede his or her ability to have the close links with other parts of our health care system.

Finally, this legislation also provides that, effective the day the act comes into force, the sitting chief medical officer of health will begin a five-year appointment.

I would like to tell honourable members that this is a strong bill, a strong signal of our government's commitment to rebuild public health and regain the confidence of Ontarians in their system of public health. We need a chief medical officer of health with the authority and independence he or she needs to do that most important work: safeguarding the health of the people of Ontario. I would urge all members to move forward and pass this bill as we present it at third reading. I thank you for the opportunity to speak on this important subject today.

The Deputy Speaker: Further debate? Member for Ottawa-Carleton.

Mr John R. Baird (Nepean-Carleton): Nepean-Carleton, Speaker.

The Deputy Speaker: Sorry; Nepean-Carleton.

Mr Baird: Thank you. The Speaker tries to remind people every day during question period about what my riding is.

I'm pleased to have the chance to rise on this bill with respect to the chief medical officer of health for Ontario. I would like at the outset to acknowledge that the Minister of Health has a rather unique practice that other ministers should follow. They actually brief you about the bill before he or she introduces it, which is somewhat unique, so I want to thank him and his fine assistant Abid Malik, who always comes by every time we debate bills in the House. He works very hard and deserves a lot of support from the Minister of Health. Whatever he's making, it is not enough. He should perhaps make more.

We should also today acknowledge, before the House adjourns, that Bob Lopinski is leaving. Bob, if you're watching—if you're in Bob's office or he's down the hall, would you bring him in? I'm going to talk about Bob for a bit.

1700

Interjection.

Mr Baird: To this camera. Bob, are you there? I want to congratulate Bob for all his fine work. I have seen Bob Lopinski save the bacon of so many of this government's ministers. They are struggling, they don't know what to say, and in comes the page with a note from Bob. I have received the odd note from Bob Lopinski. I didn't know

what it was because he writes like he could be a doctor. It's like Latin. It's like chicken scratches. No wonder some of the ministers have trouble. They get good advice, but they can't read it.

I want to congratulate Bob Lopinski for his fine work. We're going to miss heckling him when he's sitting in the station over here, telling people what to do or what to say. Sometimes the ministers don't know what to do, who should take the question, and in comes the note from Bob, which is always good advice. I dare say that the biggest win for this government this year is getting Jim Warren and the biggest loss is losing Lopinski.

Mr Mike Colle (Eglinton-Lawrence): He's joining Bill King.

Mr Baird: He's going to work with Bill King, I hear, at Hill and Knowlton. That will be good news for Hill and Knowlton, if he's going to work with Bill King, who had his job under a previous Premier.

Mr Colle: It that what Knowlton does?

Mr Baird: They help people, I say to the member from Toronto over there. So, congratulations to Bob Lopinski—

Mr Colle: Bob's going to learn how to dive, like Bill.

Mr Baird: Bob's going to learn how to dive, like Bill, that's right, whenever there's a protest outside. I don't think Bob would be as agile as Bill King. Would that be a fair—

Mr Colle: You wouldn't want to see Lopinski do that.

Mr Baird: You wouldn't want to see Lopinski pull a Bill King. Anyway, enough about Lopinski. I want to talk about this legislation.

The Deputy Speaker: Yes, I felt a little left out up here.

Mr Baird: I do appreciate Abid Malik and others coming in to brief me on this bill before it was introduced.

I want to say at the outset, I support the establishment of a chief medical officer of health who has greater independence. I think it would be a mistake, I say to the Minister of Health, if that person didn't also serve as an ADM, because we do want an integrated health system. If that person was on their own, was a legislative officer of this House, that would be a mistake. Public health should be integrated into hospitals, physician care and community services, working with municipalities.

I know the New Democrats had a little bit of concern about that initially, but they've looked at it—

Ms Shelley Martel (Nickel Belt): No, I still have a concern.

Mr Baird: She still has a concern about it. The member for Nickel Belt will talk about it. I think it's a good idea, so I support that.

I do support as well the process the minister has established to appoint a chief medical officer of health for Ontario. On reply to an address from the Legislative Assembly I think is a good process. It can only be removed the same way.

What I disagree with and what many members of the official opposition have serious concerns about in this

legislation is the fact that the minister, while establishing what I think is a pretty good process, has made a mistake in the bill. If the process he's established is so good, why wouldn't he want the first chief medical officer of health under this independent regime to go through this great process he's established?

I had tremendous concerns when this minister summarily dismissed the predecessor in that post, Dr Colin D'Cunha. He was someone I had the opportunity to work with, particularly during the blackout, someone who is an outstanding public servant, whom I would regularly liaise with as an MPP. I know there was a case of West Nile in Ottawa West-Nepean at the Starwood Extendicare. This was last summer. I worked with him on a daily basis as we dealt with the blackout. We worked all night, that first night, to ensure that our hospitals would have enough diesel fuel to keep the lights on and the medical equipment working. We worked hard to ensure that the stations were dispensing this diesel fuel. And I could go on and on. The biggest concern we had during the blackout was the quality of water, and Dr Colin D'Cunha did an outstanding job. I was not pleased with the way he was dealt with. An outstanding public servant like Dr Colin D'Cunha deserved better treatment than he received from this government. I want to put that on the record.

I also have a problem, though, with putting aside the individual who holds that post. What was the rush? What was the hurry? Why couldn't that individual have gone through the process that the minister has prescribed in the bill? He has grandmothered the incumbent, whom he installed as the first chief medical officer of health and who has some degree of independence. I have a real problem with that. If this process was so good, he could have used the process that he designed and wrote into legislation. I dare say he was reluctant to do that for fear that it would cause some scrutiny.

The individual who has this, when she came in today with Abid and briefed me on the new legislation with respect to anti-smoking—I appreciated that, and her coming in to brief us on that. When she released her report on obesity, on the press release was the minister's press secretary's number. So if you had any questions for the chief medical officer of health, you would phone the minister's office and they would be the filter.

Well, I dare say, what would have happened if the Environmental Commissioner put out his annual report and it had the Conservative Minister of the Environment's press secretary on the bottom? I say that this minister would have gone berserk. The Liberals—Minister Smitherman, Minister Bryant, Minister Papatello, Minister Duncan—probably would have bruised each other in the fight to get to the cameras to vent their spleen on that one. I have a concern about that.

This chief medical officer of health—I talked to her in committee and asked her about her independence, and she completely agreed with everything the minister said. I have yet to see her ever disagree with the minister. She's regularly quoted in press releases put forward by the minister as someone who is supporting the

government's agenda, and I have some concerns about that.

We saw when this chief medical officer of health tried to ban raw sushi. They backed down, and thank goodness they backed down. I went to a lot of sushi restaurants and talked to sushi chefs, particularly in the Minister of Health's riding, in Toronto Centre.

Mr Colle: Name names.

Mr Baird: Sushi Garden. It is at the corner of Yonge and Wellesley. I frequent that establishment.

Hon Mr Smitherman: That's where Chris Blizzard went.

Mr Baird: No, I suggested Chris Blizzard go there. When they came out with this crazy policy, I went down to Sushi Garden, in Toronto Centre, and bought a big platter of sushi and served it up to the press gallery. I went around with chopsticks. We had California rolls. We had salmon and tuna. Now, tuna would not be good frozen. That's what the sushi chef told me.

Mr Lou Rinaldi (Northumberland): Was there a whole can of tuna?

Mr Baird: It was fresh sushi. It has to be fresh; otherwise it's mushy. Thank goodness the Minister of Health—we could hear the bugles of retreat, I say to the Minister of Tourism, on that one. I wish I had had a greater victory before Christmas than getting the government to back down on the ban on raw sushi. They don't sell raw sushi in my constituency. Maybe at Loblaws, but they don't have any sushi restaurants in Nepean-Carleton. We're sort of a meat-and-potatoes type of riding. But I was tremendously concerned.

Obviously, there was some political influence. I would suggest that there was a real loser policy that for political reasons—it was fine; all the science in the world was on their side three weeks before, but three weeks later—when they announced the policy, they had consulted broadly. They forgot to consult the sushi industry. They forgot to consult sushi chefs. They forgot to consult those hard-working men and women who work in sushi restaurants. That was unfortunate, and we got them to back down.

To conclude, I want to say that I support, generally speaking, the context of the independence of the chief medical officer of health. I want to congratulate the minister. I think he did a good job in that. I want to congratulate Abid Malik, because I know he worked hard on the job. I say to the Minister of Health, he deserves a pay raise over there. The minister is shaking his head; he is acknowledging. So Jason Grier, if you're watching, the boss here just shook his head on a pay raise for Abid.

Hon Mr Smitherman: No, I agreed that he deserved one.

Mr Baird: He agreed that he deserved one. I apologize. What you giveth can be taken away. Jason, give him a raise. He deserves it.

So I want to say that my only disagreement is the grandparenting of the incumbent in the position. If the position the minister rightly crows about is so good, it should be good enough for the first independent com-

missioner. For that reason, I feel compelled to vote against this piece of legislation to signal my disapproval, and to say that we in the official opposition will be watching diligently to help the chief medical officer of health ensure that she maintains independence from this minister.

1710

Ms Martel: It's a pleasure to participate in the debate. I will indicate that we voted in favour of this legislation on second reading, and we will do so again on third reading. But I want to take an opportunity this afternoon, in the time I have, to express some concerns I have with respect to the bill.

I want to make it very clear, so that this is not taken out of context by anyone, that my concerns are not raised with respect to the individual whose position we are talking about. I have the greatest of respect for Dr Basrur. I think she did a marvellous job for public health during the SARS crisis, and I feel quite confident that she will continue, to the best of her ability, to always put the public interest first. So the concerns I raise should not be taken in any way, shape or form to be a reflection of any kind of concern that I or my party might have with respect to who now holds the position of chief medical officer of health.

Rather, my concerns, and there are two of them, really have to do with and centre around the issue of independence. If you look at the Liberal election platform with respect to changes the government proposed before the election, it says the following: "We will make the chief medical officer of health an independent officer, rather than a government appointee," and, "We will give the chief medical officer of health real independence to protect you," and finally, "The chief medical officer of health will report to Ontarians annually on the state of the public health system." That's what the Liberal election platform said. Certainly there was a focus on independence from the government, which I think is critical with respect to this position.

On October 14, the day the minister announced this legislation, the government press release also said the following: "In the event of a health crisis, Ontarians want to know that their chief medical officer of health is free of political concerns and interference," that being government interference, I would assume. "An independent CMOH will be able to put the health and safety of Ontarians first."

Of course all of us want to be assured of that very matter in a public health crisis. Frankly, all of us want to be assured that the chief medical officer of health is free of political concerns and interference with respect to the work that is done in public health every day; for example, with respect to ensuring that Ontarians have access to clean water or that inspections of restaurants will guarantee the highest level of safety for those patrons of that restaurant. We want to see that with respect to all of the important initiatives that are dealt with by public health units on the public's behalf.

The problem I have is that at the end of the day, when we pass this legislation, can we guarantee to ourselves

and to the public that the chief medical officer of health is truly independent of the government, is truly independent in responding not only to a public health crisis, but to ongoing public health concerns that could arise daily? I regret to say that in my opinion and the opinion of New Democrats, no, we cannot ensure that, and I regret that, because I wish we were in a position to ensure that. But I feel that we are not for two very specific reasons.

First of all, with respect to the tabling of the annual report, it is true that in the Liberal election platform the Liberals said, "The chief medical officer of health will report to Ontarians annually on the state of the public health system," and it is true that in the bill that is before us, Bill 124, the mechanisms are put in place for the chief medical officer of health to do that. In addition, the chief medical officer of health can also issue reports at any time that might involve the public interest.

What I question is the requirement in Bill 124 that says the chief medical officer of health has to submit her annual report, which she will table in this assembly, to the Ministry of Health 30 days prior to its being tabled in this assembly. This presumably is so that the Ministry of Health and whatever officials in the Ministry of Health can vet the annual report.

I disagree with that. If the point of this exercise is to ensure that the chief medical officer of health is independent from political interference, then I would argue that that vetting by ministry staff, 30 days prior to tabling a report, should not occur. It's not necessary. In fact, it could potentially lead to political interference. We do not expect—in fact, the legislation is very clear that the Ombudsman, for example, who is an officer of the assembly—I understand that the chief medical officer of health is not technically an officer of this assembly, even though the process to hire that individual is the same as we use for that purpose. The Ombudsman is not required to table his or her report—it's been Clare Lewis, so it's "his," and the new Ombudsman is a he, so it's "his report"—with any ministry prior to its being released publicly. That is not done. The Ombudsman has the opportunity to release that report. It does not have to be vetted by any ministry staff, by any minister or deputy minister or assistant deputy minister. It is tabled in this Legislature and the government sees it at the same time as all other MPPs. From my perspective, that guarantees the independence of the Ombudsman.

I think we should be following a similar process with respect to the annual report that's going to be tabled by the chief medical officer of health. If we want to maintain the independence of that officer, there is no reason in my mind for the medical officer of health, under Bill 124, to have to submit that to the ministry 30 days in advance in order to be vetted. I regret that the government put that particular provision in, because from my point of view it undermines the very independence that I thought we were trying to achieve.

The second point—and this one is far more important to me—has to do with the fact that the chief medical

officer of health is also currently an assistant deputy minister. She is the assistant deputy minister of the public health division. Unlike the Conservatives and the Liberals, I fundamentally disagree with those two roles being joined. I disagree because, at the end of the day, the chief medical officer of health is trying to serve two masters. On one hand, as chief medical officer of health, she serves the public, to whom she's supposed to be responsible in an independent capacity. But on the other hand, under the current structure, that individual is also directly responsible to the ministry. She is an employee of the Ministry of Health and, at the end of the day, as an employee of the Ministry of Health, she is accountable to the ministry and to the minister himself or herself. From that perspective, her independence to respond to public health matters is compromised.

I'm not sure why we want to put this particular individual, Dr Basrur, or anyone else who follows her, in what I see to be a very untenable position. The chief medical officer of health should be responsible to one master only, the public of Ontario, to look out for the public interest when it comes to public health. We should not have that same individual also accountable to the Ministry of Health as an employee of that ministry. Sooner or later there will be a clash between those two roles, and sooner or later I am extremely concerned that the chief medical officer of health may feel compromised in undertaking her responsibilities because of her obligation as assistant deputy minister and the need for her to be accountable to the Ministry of Health and the minister.

I would have preferred a situation where the chief medical officer of health would be named, for example, the CEO of the proposed Ontario Health Protection and Promotion Act, which this government announced it would establish in April. I think it would have made much more sense for those two roles, those two positions, those two jobs, to be linked. Then the chief medical officer of health would still have had significant responsibility for the setting of policy and direction directly back to those issues that she's most concerned about as chief medical officer of health, being health promotion and health protection. She would have had responsibility for that agency and be able to have some independence, or more independence, from the ministry than I expect she now has in terms of being a direct employee.

I don't know the whole proposed structure that the government has with respect to the agency. I trust it's going to be independent from the government. I trust it is different from the current position of assistant deputy minister at the public health branch, which is why I suggest that having someone in that role would frankly have made more sense to me and given a level of independence that I regret I don't feel is in place now, with the chief medical officer of health also being an assistant deputy minister.

1720

As the time winds down, I just want to say that we will support this legislation, but I think it is important to put on the record the two concerns we have with respect

to independence. We all want to be sure that this position is truly independent; that people can rely on the chief medical officer of health to look out for their public health interests first, over and above that of the government. I remain concerned, because the annual report has to be vetted by the Ministry of Health, and because the chief medical officer of health is also an assistant deputy minister, and so accountable back to the government, that at some point in time that person will be compromised. I wish we were not going to put her or anybody else in that position.

The Deputy Speaker: Further debate? There being none, Mr Smitherman has moved third reading of Bill 124, An Act to amend the Health Protection and Promotion Act. Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

FISCAL TRANSPARENCY AND ACCOUNTABILITY ACT, 2004

LOI DE 2004 SUR LA TRANSPARENCE ET LA RESPONSABILITÉ FINANCIÈRES

Mr Colle, on behalf of Mr Sorbara, moved third reading of the following bill:

Bill 84, An Act to provide for fiscal transparency and accountability / Projet de loi 84, Loi prévoyant la transparence et la responsabilité financières.

The Deputy Speaker (Mr Bruce Crozier): Mr Colle.

Mr Mike Colle (Eglinton-Lawrence): Bill 84 is, I think, a sort of companion bill to Bill 18. It's appropriate that we're debating this bill at third reading today, because today we confirmed the Auditor General for the province of Ontario—which used to be called the Provincial Auditor—Jim McCarter, who worked with the former Provincial Auditor, Mr Peters. We think, as members of the Legislature, that we want to wish Mr McCarter the best of luck in his pursuits. He did a fine job working in the Provincial Auditor's office for a number of years, and today is the day he was given the official designation as Auditor General for Ontario.

Bill 84 enhances the role and powers of the Auditor General. It gives him certain powers that I think enhance and protect disclosure, transparency and the democratic process. The key provision of this bill is that it allows, for instance, the Provincial Auditor to ensure that there is a report on the finances of the province given to the people of Ontario, through the Legislature, in a pre-election report. It will make sure that all parties are working with the same numbers so that no governing party can again pull the wool over our eyes, which has happened in the past. As you know, there's been much said about the fact that there was a provincial deficit that the previous party failed to discuss or refer to, and coming into office, we asked the former Provincial Auditor, Mr Erik Peters, to do a thorough audit of the books. He stated in his report that there was a serious lack of, let's say, transparency in

what was reported to the people of Ontario. There was a gap of \$5.5 billion, \$5.6 billion, and the question was, who knew whether it was there or not? The previous government said they would have made up for that gap, but I think even the leader of the Conservative Party today admits there was a serious gap of over \$5 billion that the Provincial Auditor referred to.

What this bill will do is make sure that before you come into an election, under the auspices of the Auditor General, there will be a report made on the finances of the province. So there will be no debate or questioning or finger pointing. I know a lot of people have mentioned that as a possible solution in terms of bringing a sense of comfort that the province's finances were clear and understandable. They wanted some assurance. I think the people of Ontario have a lot of confidence in the Auditor General. This bill will enable the Auditor General to give people a clear reading of what the financial accounts are for the province of Ontario before an election. That is a critical part of Bill 84. It requires that this be done prior to an election, and this will enable that to take place.

There are also a number of other very progressive measures in this bill. In fact, we've been told that the federal government is looking at a similar bill. I know New Brunswick is looking at a fiscal transparency act, where there will be a reporting of the finances, of the state of the province, to the people before an election. So it is a bill that will probably have some replication across the country.

There's also another part of the bill that has not been given much media scrutiny or media discussion; and that is, the bill also requires the government of Ontario to set up an Ontario Economic Forecast Council to forecast future economic trends that will have a real bearing on the province's ability to deliver its services and set tax rates etc. For the first time, we're going to have an economic forecast council. This will be made up of expert panellists who will give a very comprehensive view of what the forecasts are financially for the province of Ontario.

As you know, this is extremely critical when we see what's happening in Ontario and Canada, with the 30% increase in the value of the Canadian dollar. It could have an enormous impact on our forecasting. We're certainly dealing with huge global pressures and changes: the growing expansion of the Chinese economy and the fact that the Chinese are now underwriting the American dollar. You find the Americans in a \$430-billion deficit being underwritten by the Chinese. These global pressures have great impact on Canada. Ontario relies on exports, so the value of our dollar, the state of affairs in other countries, the projection of where our dollar is going to be, where our trade deficits are going to be, are critical. Setting up this expert panel to try to give some kind of long-term vision for the finances of this province is a very welcome addition to the province's method of doing business.

Also, there's going to be a requirement to set up a multi-year fiscal plan. In other words, it doesn't really

help to have sort of an incremental outlook for one year at a time. We did that in this year's budget, where we did this long-range outlook on where we'll be three years from now or four years from now. This bill will also require the government to set out a multi-year fiscal plan, which is critical, because things are sometimes so complex that you can't really deal with a budget in a one-year plan, as has been the tradition in the past. We did this in this year's budget, and this act refers to that being entrenched in this legislation.

As the government moves toward setting out a balanced budget, it also knows there may be unusual circumstances. It requires the government to set up a balanced plan recovery program; in other words, in case there are serious pressures like we've had in Ontario in the last couple of years, there is a plan to show how you're going to get rid of that deficit over a number of years. That's another thing we've committed to. This bill enhances that, so we can be assured that there isn't, for instance, a sell-off of an asset for one year. A government could say, "Well, we've balanced the books. We've sold off the 407 and everything is balanced." That's what this bill lays out for public scrutiny, the fact that you're going to have a long-term plan for getting rid of a deficit, and you can't just on an annual basis desperately search out the sale of a public asset to balance the books.

I think that's very prudent. I think it is a bill and an approach that deserves support. I didn't hear all the debates from the other side, but I really can't understand why the parties opposite—I know they supported Bill 18, which gave the Provincial Auditor more powers to look at the books of all of our funding partners. Our Provincial Auditor, with Bill 18, which is a companion bill to this, can now go to hospitals, to colleges, to universities and school boards and ensure there are audits there that are done by our Provincial Auditor, because they are funded by us. We pass billions of dollars through to our universities, colleges and hospitals, and the Provincial Auditor will now have the power to go and ensure that we're getting value for money and the taxpayer is getting value for money.

As I said, the parties opposite voted for that bill, yet this bill is part of that more transparency, openness and accountability, ensuring that the state of the province is made clean and clear through the Provincial Auditor. Before an election, you'll have the books, and a report on the state of the books, for the people of Ontario. The average person in Leamington doesn't have time to be looking through the accounts of this province. The average person in my riding of Eglinton-Lawrence or in Willowdale doesn't have that time. They're too busy going to work, paying bills and taking care of Christmas shopping.

The essence of it is, we need a stronger Provincial Auditor who will in essence be a watchdog for the people of Ontario. That's why I've always said it's one of the best of the many offices we have here in this Legislature. It's a wonderful tradition that we have an auditor who looks after the interests of the people of Ontario and can report to the people of Ontario.

This bill here, again, enhances that transparency, the powers, the availability and the ability of the new Auditor General of the province of Ontario, Jim McCarter, to report to the people of Ontario. I think that's good for democracy and good for the finances of this province.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Here we are continuing third reading debate on Bill 84, the so-called Fiscal Transparency and Accountability Act.

I'd like to back up a bit. It was four years ago that we were debating third reading yet again of—I don't know whether we referred to it as a companion bill. I heard that expression across the way. I'm referring to Bill 7 of 1999, the Taxpayer Protection and Balanced Budget Act. It was November 23, 1999, that Bill 7 received third reading in this House, and I was very proud to vote for that piece of legislation. It was there to protect taxpayers by making it illegal for the government of Ontario to spend beyond its means. I do recall hearing stated by the present Premier of Ontario the expression "spending beyond one's means" and the negative aspects of spending beyond one's means. It was an expression that was being used during the run-up to the last election. Bill 7 was obviously designed to provide protection, or an assurance, if you will, against unwanted tax hikes and reckless deficit spending.

At that time in 1999 and for a number of years, 1985 to 1995, taxpayers in Ontario were forced to bear a burden, certainly during those 10 lost years, of governments that were addicted to spending, in my view, governments that believed they could operate by throwing money at an issue, throwing money at a problem, throwing money at every problem. By the track record of this present administration, clearly what we're seeing is déjà vu all over again.

Before 1999, Ontario had balanced the budget or run a surplus only four times. Three of those balanced budgets came about during the 1960s. As of November 23, 1999, when it passed third reading, balancing Ontario's books became the law. Protection for taxpayers was enshrined in this legislation in a very simple but important concept: Politicians should not be able to raise Ontario's tax rates without asking permission of people first.

One result of really a 35-year stretch of taxing and spending is that every child born in Ontario today is born in debt. Governments before Mike Harris certainly tried to be all things to all people, and in the process, more recently in 1990 to 1995, came very close to bankrupting the finances of this province. The concept that high taxes kill jobs did not have much currency, and I'm concerned that the present administration is losing sight of what I consider a very important economic principle. People across the way don't seem to realize that for government to do a good job of providing services that really matter to people, like accessible health care and quality education, it has to live within its means, to use that expression from Mr McGuinty when he was running for election.

Services are of no long-term use if any government runs a province or country into the ground to deliver them. It is not as simple a task as merely feeling that you can transfer wealth from the private sector to the public sector. The private sector is very dependent on entrepreneurs, on business both large and small, to create this pool of wealth. It's also very important to keep an eye on those businesses and the people who work in them, the employees, and the jobs that are represented by those businesses.

In 1995, we knew that high taxes were driving jobs and investment out of Ontario. People were at the stage where they would rather barter, for example, than pay taxes. The more former governments increased taxes, the less revenue they received. The underground economy became a bit of a buzzword. Everybody knew what that stood for. That's something we are certainly seeing a resurgence in with respect to tobacco, again as a result of very high taxes, which, I regret to think, will probably increase and so will the attendant underground tobacco economy.

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Previously and during that time I'm referring to, virtually everybody knew someone who was working for cash under the table. It wasn't that the 30-odd NDP tax hikes or the 30 or so Liberal tax hikes during their era weren't so much the problem; it was the cumulative effect of these tax increases. Ontario at that time was clearly reaching the point of diminishing returns. Previous governments increased taxes, drove jobs and investment out of the province, and as a result, on many files, government was receiving fewer tax dollars.

At that time, by enacting the balanced budget legislation, we required Ontario governments of all stripes to treat taxpayers' dollars as carefully as they would their own, to treat the government purse as one would treat one's own personal finances.

Families in Ontario work very hard to make ends meet. They understand the concept of living within one's means. They very clearly understand the concept of balancing the books. These families don't need a government that would dedicate itself to even a hint of reckless spending or tax hikes, essentially taking more of the hard-earned income of these families away from them. It's their money. It's taxpayers' money. It's not the government's money. It's so important for governments of all stripes to do the right thing, to do their best to leave that money, that wealth, in the hands of families, and to do their best to balance the budget.

I'm concerned that this present government, during its tenure, when it draws to a close, will not have balanced any of the budgets in any year. That's a concern of mine. That can be a prediction, and time will tell three years hence.

In debating the Balanced Budget Act in 1999, we heard comment from members present—for example, Dwight Duncan. This was on November 2, 1999. MPP Duncan was recorded in Hansard as saying, "In voting for this bill we are reaffirming the position we took in

1995 and the position we took in 1999." The Liberals voted for Bill 7. Bill 7, I remind the House, was the Balanced Budget Act, November 23, 1999.

Obviously, now Bill 7 does not serve the political purpose of members opposite despite what was clearly promised during the election platform. That original bill is being killed and we will have in our hands legislation that I consider toothless.

Members opposite are also failing to live up to a commitment made to pay the financial penalty owing under the Balanced Budget Act for not balancing the books. In the budget speech, Finance Minister Sorbara at the time said that "the law as it currently stands does impose a fine of more than \$9,000, to be paid by all cabinet ministers in any government that runs a deficit ... we will pay the fine for this year, beginning June 1."

This was the 2004 budget speech. Regrettably, the McGuinty government quietly tabled the official spending estimates in this House on June 15, and I'm afraid the estimates showed that full ministers' salaries for 2004 and 2005 are being paid.

Just to wrap up, this legislation flies in the face of one of the key election promises made by the Liberals opposite: "We will comply with the balanced budget legislation, and not bend the law at a whim." Dalton McGuinty said, "I, Dalton McGuinty, leader of the Liberal Party of Ontario, promise," if elected, "I will not raise taxes or implement any new taxes without" the people's consent.

I'll leave it at that.

Mr Gilles Bisson (Timmins-James Bay): I want to thank the new addition to our caucus for being here this afternoon. I have always said that Mr Colle is a good man and he always has a home with me. Oh, he's gone.

Interjection: He's crossed the floor again.

Mr Bisson: He's crossing the floor a second time. My Lord. No, no, for people to know: Mr Colle has never crossed the floor. I was just teasing him. I've got 10 minutes. I've got to be able to do this in 10 minutes.

There are a couple of things I want to say on this particular bill. Let's be clear what it's all about. This is the government trying to get out of the problem they've got around the Taxpayer Protection Act, which was passed by the previous Conservative government.

I, along with the Liberals, voted in opposition to that bill when it was brought forward. I thought that a government, a business or an individual sometimes has changing priorities when it comes to fiscal objectives, and to lock ourselves in and say, "You've got to completely say that never, never can you choose the option to have a deficit," I didn't think was responsible. Let me explain that.

For a lot of people in the political discussions we've had over the last 10 years, especially under the Conservatives, the word "deficit" was made to be a very bad word: governments shouldn't have deficits and governments should always have balanced budgets. I just want to say something that is pretty obvious to me. Can you imagine the economy of Canada running without people

owning credit cards, without people being able to go to the bank and borrow money?

Mr Norm Miller (Parry Sound-Muskoka): No, we have a debt.

Mr Bisson: No, no, but on a deficit and a debt. My point is that our entire economy, when you think about it, runs—why? If people don't have the money today, they go and borrow the money on a credit card, a line of credit or a loan. At the end of the day, that's what makes the economy go. So individuals certainly are able to operate—

Mr Miller: They pay their bills.

Mr Bisson: Imagine if there would be no Christmas. You know, you had a chance to debate, Mr Miller. Take your turn. Stand up and be counted.

My first point is, I've never believed in a philosophy that says that you can't have a deficit, you can't have this, that or the other thing when it comes to making a budget for the province, for a business or for individuals. You have to keep all your options open. That's why, when the government brought in that bill, I voted against it. I said, "Listen, I understand that governments should try to keep their deficits down to"—

Mr Michael Prue (Beaches-East York): Just keep going.

Mr Bisson: Thanks a lot, Mike. All right. I was just going to sit down and give you the rest of the time.

I've always believed that governments, like individuals, at times need to run a deficit. That's necessary at times, given where you're at.

For example, think back to the Second World War. There was a really interesting program, a good documentary, I was watching the other day on TVO, which I really like. Our public television broadcaster had this series where they were showing Canada leading up to the war and during the war and what the experiences of citizens were.

One of the things said by a now older person, who during the war was a young woman in her 20s, was, "Isn't it interesting that during the Depression, governments were telling us that there was nothing they could do to respond to the problems of the day because they couldn't run up deficits?" All of a sudden the war happened, and they were spending money hand over fist, rightfully so, in order to buy munitions and build the armed forces to fight along with the Allies in Europe and in the Pacific theatre.

The point was, all of a sudden it became good public policy for the government to run a debt. Why? Because it was the absolute right thing to do. Can you imagine the government of Canada in 1939, 1940, 1941-45 taking the position that they couldn't go out and borrow money to engage in what was at that time a threat to democracy across the world? We would have handcuffed ourselves. We would have said to the other side, the Germans, Japanese and Italians, "Listen, we can't fight you because we have a law that says we can't have a deficit." I always thought that was rather silly.

The other thing that I think is really interesting—

Mr Miller: We're not in a war right now.

Mr Bisson: No, but hang on a second. I'm coming to where we are today. Mr Miller, my good friend, makes the point that we're not at war today. But I also want to say that it's interesting how the right-wing political party takes the position of the debt. Remember, this guy, George Bush, got re-elected for a second term in the United States. Has anybody paid attention to the deficit that that man is running? Unbelievable. Here's double-speak if I've ever heard it. You've got the Republican Party in the United States, and certainly this President, in the lead-up to the first presidential election four years ago, said, "My Lord, you know we can't have deficits and we can't have debts." But he has done more single-handedly than any President of the United States to raise a debt that is unbelievable. The amount of money they have added to the overall debt of that nation, and the yearly deficits—what's the number for the deficit of the American government? It was \$200 billion a year, something like that, just in deficit. Their deficit is higher than the entire Canadian budget. It's mind-boggling. My point is, certainly if George Bush thinks at times that there is a time to run a deficit, maybe there are times that provinces or federal governments will need to do so.

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I want to put on the record that I think (a) governments should be responsible, and (b) we should always try to live within our means, but at times there are extraordinary circumstances that a province finds itself in, when it has to be able to borrow money in order to keep operating.

It has happened in the past. I was a member of a government, in 1990, that came to power in the middle of the worst recession this province had seen since the 1930s. We made a decision. We said we were either going to have what worked out to be about a \$10-billion deficit in 1990-91—it was actually 9.5—or we were going to have to cut \$9.5 billion out of spending in one year in order to balance the budget. Can you imagine if the Rae government had said that we were going to balance the budget, given a \$9.5-billion deficit in the first year that we came to office? We would have been closing hospitals; we would have been closing schools. We wouldn't have ploughed roads. Capital expenditures would have gone down to nothing. At a time when we had to help and stimulate our economy, it would have been, in my view, a very irresponsible thing to do, for any government to take that position.

This government, in coming to power in 2003, was faced with the same issue. Now, I don't buy the argument—I said in the last election, along with my Liberal candidate, that there was at least a \$4.5-billion to \$5.5-billion deficit, based on the numbers that we saw in the estimates committee in the spring of 2003. Nonetheless, the Liberals got elected, and where the Tories told them there was supposedly a balanced budget, they found a deficit of over \$5 billion—\$5.5 billion. I don't advocate for one second that this government should take the position of chopping \$5.5 billion out of the budget in

one year. Imagine what would happen in your communities if we were to do that. I think that would be wrong. I think any government is responsible in saying, "We need to manage down the problem." Take the two or three years that's necessary to do the structural changes that you have to within your ministries so we don't pull the rug out from underneath the people of Ontario by underfunding health care, education, transportation and all those other things that are so important in making an economy work. This is what the government is doing. The government is putting a bill forward to get themselves out of the problems that they've got with the previous government's legislation that basically says they shouldn't run a deficit.

Now, if the government was repealing the legislation, I'd vote for it. I want to be clear; I want to put it on the record.

Hon James J. Bradley (Minister of Tourism and Recreation): So would I.

Mr Bisson: If you were taking—exactly, Jim. I know where you're coming from.

If the Liberal government took the position, "We are withdrawing the Taxpayer Protection Act," I would vote in favour with you. But this bill does not take that away. You're still caught in the same trap that the Conservatives have set up under the Taxpayer Protection Act. It is still a form of handcuffs that we're trying to put on the government when it comes to making decisions that have to be made about how they balance a budget.

I'm going to vote in opposition to this bill, and not because I don't think the responsible thing to do in this place is to manage down the deficit. I don't argue that for a second. I think you're right in trying to manage it down over time. Obviously, I'll be in disagreement with some of the decisions you'll make, but the general principle of managing down the deficit over a multi-year period is, I think, a wise thing to do. However, you're still leaving yourself in the same handcuffs.

I'm going to ask my good friend the finance critic behind me, but it seems to me that the Liberals had voted in favour of the Taxpayer Protection Act.

Mr Prue: They did.

Mr Bisson: They did. And I think that's the problem. I assumed correctly that they got themselves boxed into this problem. They voted for the Taxpayer Protection Act when they were in opposition, to the chagrin, I think, of some of the more progressive members in the Liberal caucus who felt, like me, that it was the wrong thing to do. Now they're caught in a box. They have the Taxpayer Protection Act that is basically a handcuff on the government. They have to get around it somehow, and they can't be seen as entirely withdrawing it because that would be inconsistent with the position they had taken while in opposition.

Mr Prue: And during the election.

Mr Bisson: And during the election.

I only have this to say: You guys have been pretty inconsistent up to now, so if you're going to be inconsistent on something, I'm OK on this one. I'm with you. If you withdraw it, I'll support you. I say to my good friends Mr Colle, Mr McMeekin and others who were here before, I have no problem in you reversing your position. In fact, I would say that you had seen the light, that finally you woke up and you thought, "Well, that was wrong and we've changed our mind."

So I just want to say to the government members that I will be voting in opposition to this particular bill because I think it still leaves the same trap that was put in place by the former Conservative government around the Taxpayer Protection Act.

The last point I want to make is simply this, because I don't have enough time to make the other point that I want to make, and that is that some of the—

Hon Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): Shame.

Mr Bisson: Shame; exactly. But I was the one who moved the motion. I'm the guy who moved the motion that deals with how much time we've got here this afternoon, so I recognize the trap that I'm in.

However, I just say to the government, you're going to have some challenges ahead trying to manage down a \$5.5-billion deficit. I know how difficult that can be. But I say to this government, let's keep our eye on the prize. We need to make sure that we support public services to the degree that we need to protect our citizens. We need to have a system of public health care, not a system of mixed private-public health care. We need to make sure that we properly fund it. We have a crisis right now in northern Ontario around hospitals having to balance their budgets. Every year, there have been deficits; every year, the government has offset those deficits because of actual costs in the health care system. I just urge the government to try to deal with that, especially in northern Ontario, in communities like Mr Brown's and mine, which have not a lot of health services to go around. These reductions could be a difficulty.

The Deputy Speaker: Pursuant to Mr Bisson's motion, the time for debate has now expired.

Mr Colle has moved third reading of bill 84, An Act to provide for fiscal transparency and accountability. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

Pursuant to standing order 28, I have been handed a request that the vote on the motion by Mr Colle for third reading of Bill 84 be deferred until Thursday, December 16. It's signed by the chief government whip.

There being no further business, this House is adjourned until Thursday, December 16 at 10 am.

The House adjourned at 1757.

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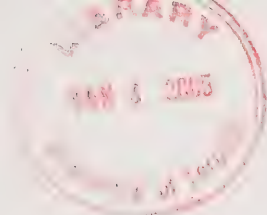
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Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 16 December 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 16 décembre 2004

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

ELECTORAL DISTRICTS

Mr Howard Hampton (Kenora-Rainy River): I move that, in the opinion of this House, the government of Ontario should ensure the number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts that existed on June 3, 1999.

The Deputy Speaker (Mr Bruce Crozier): Pursuant to standing order 96, Mr Hampton, you have up to 10 minutes.

Mr Hampton: First of all, I want to say that I claim no unique intellectual property here for this resolution which I've presented today. In fact, I want to point out that in the throne speech, which was presented in this Legislature on behalf of the government about a year and a half ago, the government of the day said, "It will keep its commitment to introduce legislation that ensures a strong voice for the north, by keeping 11 northern representatives in the chamber."

I want to read from the platform of Dalton McGuinty, then-leader of the official opposition, who said during the election, in the Liberal platform called True North, "We will pass a law guaranteeing that the number of ridings in the north will not fall below 11."

In fact, I also want to give credit to the member for Algoma-Manitoulin, Mr Brown, who introduced a private member's bill, Bill 89, An Act to amend the Representation Act, 1996 respecting the number of electoral districts in Northern Ontario. I want to in fact read from Mr Brown's private member's bill, because this was introduced before the last provincial election, and in it Mr Brown makes the following points. He says, "The number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts as existed on June 3, 1999." Then he says, "This section applies when there is a federal readjustment on or after the day the Representation Amendment Act (Northern Ontario) comes into force." So Mr Brown, the Liberal member for Algoma-Manitoulin, is in some ways the original author of this concept that the number of ridings, the number of seats, the number of electoral districts in northern Ontario shall not be fewer than 11.

Regardless of what kind of distribution or what kind of reduction of seats may happen federally, provincially there shall not be fewer than 11 seats.

Some would say, "Well, if the government has said this in their throne speech and the Liberal Party said this in their election document and some Liberal members have in fact come forward with this concept, why bring this resolution forward?" I'm bringing this forward because, as we've already seen, this government has a habit of forgetting its promises, or a habit of not fulfilling its promises or a habit of breaking its promises. I am seeking from the members of the Legislature today a resolution which in effect holds this government to a promise it made in its throne speech, holds Mr McGuinty to a promise that he made during the election campaign, and indeed holds individual Liberal backbenchers to an idea that they themselves have promoted in the form of private members' bills here in the Legislature.

I just want to spend a few minutes to go over why Mr Brown has promoted this idea, why I believe Dalton McGuinty promoted this idea as leader of the official opposition, and why the government came forward in its throne speech with this idea. There are a number of things that I think need to be reflected upon.

First of all, northern Ontario is really quite distinct and different geographically from the rest of the province. Northern Ontario is dominated by the Canadian Shield. Whereas southern Ontario in some places resembles the plains of Michigan, and other parts of southern Ontario may resemble the geography of New York or Pennsylvania, northern Ontario is dominated by the Canadian Shield, which is not true of the rest of the province. So geologically, it's distinct and different.

In terms of climate, it's distinct and different. Over the last couple of weeks we've heard the government refer to that distinction with reference to other issues.

In terms of employment and industrial makeup, it's different. Northern Ontario is dominated by resource industries: pulp, paper, sawmilling, mining, smelting, refining. These are the dominant industries across northern Ontario. Even the industries which are not related to resource extraction are resource-based. Tourism in northern Ontario tends to be resource-based, whereas what you find often in southern Ontario is cultural-based tourism, certainly not natural-resource-based tourism.

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On top of that, there's just the issue of population makeup. Increasingly in northern Ontario, the aboriginal population is growing larger and is becoming more and more of a large force, population-wise. That is not true in

southern Ontario. If anything, the demographics of southern Ontario see more and more new Canadian communities. Whether those communities be from south Asia, east Asia, the Middle East or the Caribbean, there's quite a distinct and telling difference in terms of the demographics as between northern Ontario and southern Ontario.

I could go on delineating more and more of the distinctions. Southern Ontario, in geographic terms, is a relatively compact area. Northern Ontario, by any standards, is huge. Northern Ontario is larger by far than most European countries; in fact, you could say that northern Ontario, as a geographic mass, is about the size of Europe, or close to it.

So from all of these perspectives and on all of these fronts, northern Ontario is just a much larger, different geographic entity. These were some of the justifications for Mr Brown's original private member's bill, I assume from Mr McGuinty putting this in the Liberal Party platform and from the Liberal government putting it in its throne speech. I'm merely here today to call upon members of the Legislature to pass this resolution so that we can remind Mr McGuinty and the government of their promise and their commitment. Indeed, I think when you put a commitment in the throne speech, you need to see some action. So far, we have not seen action on this issue, and we're calling upon the McGuinty government once again to keep the promise that was made during the election and afterwards in the throne speech.

I'm not going to use the remainder of my time, because I know that other members want to speak to this resolution. I think I've outlined it fully. I simply ask for the support of all members to remind the government of a commitment it made in its throne speech, to remind Mr McGuinty of a commitment he made in the Liberal Party platform in the last general election of the fall of 2003.

The Deputy Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm certainly pleased to join in the debate here. I know the member from Parry Sound-Muskoka is going to speak on this, because he's directly impacted, having shown quite well that taking Parry Sound-Muskoka out of the north was strictly politically motivated.

What we're looking at here today, the resolution brought by the member from Rainy River, is that the Premier has already made a commitment in the throne speech that he would maintain the number of seats in the north. That is a fact. Currently, under our elected system, the number of seats in the north is 11. Under the new federal boundaries, if they were to change, that number would be 10. All this resolution calls on the government to do is ensure that there is no reduction in the number that currently exist.

I would add on to that that there shouldn't be any tinkering or gerrymandering with the boundaries, because that's what I suspect is going on with Parry Sound-Muskoka in terms of what they're doing by taking it out of the north. If it's taken out of the north, then they can say, "Well, we haven't changed the number of seats. The

same number are there that constitute the north." But that's strictly a technicality. That's strictly playing with the language and taking away the rights—and the member from Parry Sound-Muskoka is going to talk about that at length—that people in Parry Sound-Muskoka currently enjoy and have been taken away by this government.

I support the resolution. Certainly, it's important that we make sure that when the next election occurs—whether it's October 4, 2007, which the government says they're committed to, but that legislation hasn't actually been passed. They do have the right to call an earlier election under the Lieutenant Governor's existing powers, so we may not make October 4, 2007. But the fact of the matter remains, we do not know if the current system remains in place, we will adopt the seats that are up in the north, and there will be one less seat in the north if we adopt the federal boundaries.

I think what we're going to be talking about here is whether the federal Liberals and provincial Liberals are going to play games, especially the provincial Liberals, in terms of whether they're going to change the riding seats in their favour, they're going to gerrymander and make sure that the boundaries are set up to their pleasure, or what they're going to do is nothing, just leave the status quo that existed on June 3, 1999. That's really going to be the issue. I think that, as a principle, the government has to be held to making sure that the boundaries are fair, that there's no gerrymandering to favour themselves and their existing members. That's all I have to say. I know the member from Parry Sound-Muskoka has more to say.

Mr Michael Gravelle (Thunder Bay-Superior North): I'm glad to have an opportunity to speak to the motion put forward this morning by the member for Kenora-Rainy River, and I certainly can say that I'm pleased to support it. I think it's necessary to comment, though, on the rationale that the member has given for bringing it forward. I appreciate it, because obviously you're supporting our government policy and our northern policy platform, and we appreciate that.

May I say that one of the oddities of the last campaign—and I'm sure that the member will be thinking of this, and maybe that's why he's bringing it forward—is we wondered why you weren't supporting it during the campaign, why you didn't understand the commitments. I would not argue that the member understands the north in terms of the size of the ridings and the challenges as well as anyone, because of the large riding he has as well. But, as I say, it seemed odd to me that during the campaign, when this was obviously a key issue, the third party and Mr Hampton himself were not actually supporting this policy at the time. So I'm glad to have you coming to the table; a bit late, but it's good to have you here. I'm glad that you're supporting it, because it's something that means a great deal to us.

Obviously there are many other aspects of our northern policy that we're moving on actively, and we hope that we'll have your support in those as well. For

example, I believe later today we'll perhaps be having an opportunity to vote on a piece of legislation which will bring our grow bonds program into law, which is something that we, again, campaigned on. It came from the Northwestern Ontario Associated Chambers of Commerce. The chambers tried very hard to get the previous government to support it; they would not support it. I don't believe that you formally supported it either, in terms of the third party, but we put it in our platform. We brought it forward. This is something that will allow for real investment in small and medium-sized businesses in the north. So we're very excited about that.

We have the northern Ontario heritage fund, and this year we've got \$135 million put into that. Again, I would hope that the member for Kenora-Rainy River would be supporting what we're able to do in that to also bring some portion of that back to the private sector, which the previous government put down.

So it's great to have you supporting it. Again, my question was, why did you not support it earlier? But it's good to know that you're now on the record supporting my colleague from Algoma-Manitoulin in terms of his private member's bill, our government and our party's northern policy commitment and our commitment to bring it forward. We actually had a northern policy.

I think it needs to be said we are very proud of the fact that we had the Premier and Minister of Northern Development and Mines in Thunder Bay and Sudbury a couple of Fridays ago, I believe, announcing the details of our northern prosperity plan, and we are very excited, as are all northerners, about the fact that we are truly moving forward on those commitments.

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If I may say something else, the member for Kenora-Rainy River, the leader of the third party, made reference to our moving forward on other issues, and he didn't specify. But I think he was talking about studded tires. Another oddity that happened when our northern development minister announced in the House that we were going to be bringing forward legislation to make studded tires once again legal in the north was that the leader of the third party was actually in opposition to the studded tires, thinking that northerners wouldn't support it. As I know he knows now, that was not the reaction at all from people in the north. You were opposed to it.

I won't read all the quotes, as I'm running out of time, but the fact is that northern mayors and reeves—

Mr Hampton: Michael, where is it? Where are the studded tires?

Mr Gravelle: You can say what you want. The fact is, you didn't support it, which seemed rather odd.

There's one other point that I think needs to be made: Whenever the third party talks about their commitment to the north, there's one thing—and I must admit it pains me to bring it up again. I haven't talked about it for some time, but one of the things that really rankled me the most, and I think you know where I'm going on this, was that when the third party was in government, from 1990 to 1995, they made some changes to the heritage fund as

well—they were in support of it—but on their way out of office when there were real challenges fiscally for the party, very quietly and very secretly, they basically took \$60 million that belonged to the northern Ontario heritage fund and took it out, money that should have gone to the north, that should have been given to economic development of the north. The leader of the third party knows this is true. They sneaked it out, and it was discovered later by the auditor. That was one aspect that always rankled me as a member from northern Ontario, and I'm sure you wish you hadn't done it. But the fact is that that was something the third party, the NDP, did when they were leaving government. They took \$60 million out of the heritage fund and put it into general revenue. That was a pretty rotten thing to do, I thought.

Anyway, I'm glad to hear you're with this. I'm glad to hear you're putting forward this resolution. I'll be glad to support it when the time comes to vote.

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in the debate today talking about a resolution that has been brought forward by Mr Hampton: "That, in the opinion of this House, the government of Ontario should ensure the number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts that existed on June 3, 1999." I certainly support this resolution, although I was hoping they would be bringing forward a private member's bill, Bill 89, of which Mr Bisson had first reading on June 7 of this year. I particularly like his bill because in the section on northern Ontario, it says, "'Northern Ontario' means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming." As you know, today with the government's time allocation bill to bring Bill 149 before the Legislature and force a vote this afternoon, Muskoka will be getting removed from the north. I'm, of course, very concerned about that, and I will speak further about that.

I, of course, support maintaining 11 ridings in the north. In the past, the ridings have been bound to the federal ridings, and I think that's a good thing. It keeps politics out of deciding where the boundaries are. I worry about the government suddenly trying to look at the politics of where the boundaries will be. I note that the member from Timiskaming-Cochrane was quoted in the newspaper as saying that the riding boundaries in northern Ontario would stay the same, with the exception of the most southerly riding of the north, the riding of Parry Sound-Muskoka. With the removal of Muskoka from the north, which will essentially happen this afternoon, I worry about whether the government is going to start playing politics.

We've heard the term "gerrymander" get bantered around a lot this afternoon. I'll just read the definition from the dictionary. Gerrymander: "manipulate the boundaries of (a constituency etc) so as to give undue influence to some party or class; manipulate (a situation etc) to gain advantage." That's what I'm worried about as the Liberal government goes to change the boundaries for

northern Ontario, that they will somehow figure out that, "Oh, maybe we can get rid of one PC member of the Legislature by manipulating the boundaries." So I do worry about that.

I note the member from Kenora-Rainy River talked about the qualities of the north. When you cross into Muskoka, you cross the Severn River, and what's the first thing you see? The Precambrian Shield, which is what most of northern Ontario is. He made comments that in the north, another quality is its makeup—more First Nations. Well, in the riding of Parry Sound-Muskoka, we have seven First Nations. Another unique point about why Muskoka is very similar to the rest of northern Ontario is a sad one: It's the median family income. From 2001 Stats Canada, Muskoka's median family income is \$50,713, compared to North Bay, which is \$53,978, Thunder Bay at \$59,580, Algoma, slightly less at \$49,000, Kenora, \$62,990, and Sudbury, \$56,118. Muskoka is below most of the districts in the north. I think the government has confused those who live and work in Muskoka with the wealthy cottagers who come up and visit the area in this move to remove Muskoka from the north.

I certainly do support maintaining 11 ridings in the north. I mean, you need to go and visit some downtown Toronto ridings, where in five minutes you can walk around the riding. They may have more people, but in terms of the time the member spends trying to look after the constituents of the riding, it's a very small riding, whereas in northern ridings you can spend a day trying to get across the riding. In my case, it's maybe two and a half or three hours to go from one side of the riding to the other. It is a huge riding. The riding of Parry Sound-Muskoka has 26 municipalities, seven First Nations and a large geographic area. So I do support maintaining 11 ridings in the north, especially for practical reasons of trying provide good representation for the constituents of the north. I have real concerns about the government starting to play politics in how they go about making this change, especially in light of the fact that they've gone to the point of removing Muskoka from the north.

I would like to briefly, in the couple of minutes I have left, talk about what has been achieved by this government in the north.

One of their election promises was northern development councils. They've been in power 14 months, and where are the new northern development councils that are supposed to give information and guidance to the minister? There has been no announcement about that.

There is no comparable funding for small northern municipalities that don't share in the gas tax.

There has been no information on the NOHFC funding, what their plans are to change programs.

There has been no progress on Highway 69, a special interest to the minister when he was in opposition, no progress on Highway 11, no four-laning of Highway 17 in the Thunder Bay area. In fact, in October we had four washouts in one week on Highway 17.

There is no more Leslie M. Frost Centre.

There is no concrete plan to replace coal-fired electricity generating plants in Thunder Bay and Atikokan. That's half the power in the northwest, and the government has no plan to replace that power. In fact, if they do, they'll probably end up shutting down the mining and forestry industries in the northwest.

There's no northern tax incentive plan. That was something they talked about in their promises.

So there are a lot of noes.

What have they done? They've successfully managed to break their promise when they pass Bill 106 to implement the new health tax, the tax they said in the election they weren't going to implement, a 27% tax on most average families.

They have successfully passed Bill 100 to break another promise and bring in higher electricity costs.

With their mean-spirited time allocation move this afternoon, they will be successfully removing Muskoka from the north, although there was nothing in the election about Muskoka coming out of the north. I didn't hear any of the Liberal members or candidates going around saying, "Yes, we think it's a very wise idea that we remove Muskoka from the north because the citizens there are just too wealthy and they don't deserve to be in the north." I didn't hear any Liberal candidates talking about that. When they made the budget speech, I didn't see the word "Muskoka" in the budget of May 18. In fact, page 96, hidden in the fine print, was where the notation was to remove Muskoka from the north.

The good thing about this resolution is that it forces the government to actually keep a promise. That's a good thing. I thank the member from Kenora-Rainy River for introducing it. I do think it's important to maintain the best representation we can for all the deserving residents of northern Ontario.

Ms Monique M. Smith (Nipissing): It's my privilege today to get up and support this motion put forward by the member for Kenora-Rainy River. I would just like to point out, however, that our commitment and our platform, which was a northern-specific platform, was as follows: "We will improve democratically elected representation for the north. We will pass a law guaranteeing that the number of ridings in the north will not fall below 11." We were that committed to it; we remain that committed to it. We are moving forward with our promises, and we are keeping our promises in the north. We have done a number of things in the north over the last 14 months that I'm immensely proud of.

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We have introduced changes to the northern Ontario heritage fund, and we have made it an economic driver for the north. We've introduced grow bonds. We are introducing our Go North program, which will promote economic development in the north for the north. And we are returning to our definition of "northern Ontario," which the member for Parry Sound-Muskoka has some difficulty with, and I will discuss that in a moment.

I'd like to talk for a moment about the Conservative government's record in the north. The member for Parry Sound-Muskoka brought it up. He was very proud of

what they'd done, but I'd like to point out a few things that they didn't do and the abuse that the north suffered under the Conservative regime.

On the issue of four-laning: The four-laning of Highway 11 north to North Bay was promised in the 1950s by the Conservative government. Over 50 years later, we're still not there. During that time, for the vast majority of those years we had a Conservative government and we had representation in the Parry Sound-Muskoka region from that Conservative government. The highway was not completed. We are still working on it. We were proud to open 10 kilometres just a few weeks ago between South River and Trout Creek, and we'll be opening six more kilometres next spring. We are developing a northern highway strategy, which is something that the previous government never took the time to do, and we will be introducing that in the spring as part of a larger infrastructure strategy.

With respect to hospitals, the Conservative government said that they would not close hospitals. In fact, they did. They do not support our northern hospitals, either. In my particular riding, the hospital in Mattawa has been housed in portables since the 1970s. They're in dire need of a new hospital, and the Conservative government and our Conservative member, Mike Harris, was unable to deliver a hospital to the people of Mattawa.

With respect to just general northern attitudes, I find it ironic that the member for Parry Sound-Muskoka is up defending the north so vehemently, when he allowed the member for Oshawa, Mr Ouellette, to speak against more moose tags for northern Ontario hunters. Where is the defence of the north in that policy?

The previous government also allowed hundreds, if not thousands, of government jobs to leave the north and that's a tide that we are trying to stem.

I think the member from Parry Sound-Muskoka, if he was really trying to defend the north, would have to acknowledge that Muskoka has very little in common with Attawapiskat or Rutherglen or Garden Village. Under the northern Ontario heritage fund, we are investing in those communities and protecting the north.

The member for Parry Sound-Muskoka spoke of gerrymandering and playing politics with northern boundaries. I would just remind the member that it was in the year 2000 that we introduced Muskoka into the definition of the north under Ernie Eves. I'd just like to quote from the North Bay Nugget, which historically hasn't been that supportive of my political party. But in today's Nugget, John Size, the editor, says that while Mr Miller may be right about playing politics, he agrees with the Ontario government on this one:

"Making Muskoka part of the north was an absurd decision in the first place.

"It became part of the 'north' during the Tory regime under former finance minister and Premier Ernie Eves, the long-time MPP who represented the riding before Miller....

"The reason behind the Tories' decision to include Parry Sound-Muskoka was strictly political.

"It was a way to drop by a few northern Ontario heritage fund cheques off as a slush fund to buy votes—payback to the riding for being a staunch Tory riding."

The Ontario Liberal government is keeping its commitment to the north. We are investing in the north in health care. We are supporting the ONTC, which is an economic driver in my particular area of the north. We have protected it; the Tories would have sold it. They were going to sell one of our economic engines. They were going to privatize it. We protected it, we are nurturing it, and it is moving forward. They landed a wonderful contract with GO Transit. They have a strategic alliance with Telus through Ontera. They're moving forward.

In education, we're protecting our northern schools. We are rebuilding our crumbling schools and we are empowering our teachers, specifically by passing our bill yesterday stopping teacher testing, which I would note that the Conservatives again voted against.

We are keeping our promises in the north. We are working for the north. I am a proud northerner. I am proud to see the representation that we have in this government in the north. The people of the north have a strong voice in the McGuinty government, and I will continue to be part of that strong voice. Thank you for the opportunity to speak today.

Ms Laurie Scott (Haliburton-Victoria-Brock): I'm pleased to join the debate today on Bill 89. I just wanted to clarify for the member from Nipissing on the northern designation: Muskoka was created about 135 years ago, and for 110 of those years Muskoka was part of northern Ontario. It's been designated as part of northern Ontario for longer than it has not. The member is over there talking, but my friend from Parry Sound-Muskoka made that point, and I also wanted to put that on the record for him.

I think there are a lot of northern issues that certainly affect the northern part of my riding, being Haliburton county. It's certainly part of the Canadian Shield and has the second-lowest income, which I've mentioned several times in this House; it's the second-lowest household income in Ontario, second only to Manitoulin Island.

A lot of members of the Legislature represent ridings in the greater Toronto area, and the issues aren't similar to what they are in the remote areas of the province. Some of the issues we have don't seem important to the urban members here. It's hard to think about the impact, for example, of too few physicians in parts of the province where there's no health care of any sort within a drive from their home. When we're at Queen's Park, there are medical facilities and several hospitals available just five minutes away. The level of health care access is beyond the dreams of underserved northern and rural communities. Our concerns are very basic up there.

I mentioned, in a question this week in the Legislature, for example, the city of Kawartha Lakes, which is in the middle sector of my riding. It's not in the north, but we're still short 15 family doctors. There are a lot of patients without a doctor. I call them the orphaned

patients, back to my nursing days, and we use that phraseology. We just don't have walk-in clinics around the corner.

In northern and rural communities, most of the towns and villages don't have transit systems, and thanks to the way the province is allocating the gas tax dollars to municipalities, they won't be getting transit any time soon. This is not benign neglect, as my colleague the member from Parry Sound-Muskoka has mentioned; it's neglect that ultimately puts lives at risk. I think that these are real issues for real people, and we have to take them seriously.

The bill is not about the track record of the government when it comes to northern issues, neither is it about the promises they've made to northerners that they're not keeping, because they're treating everybody in the north the same as everyone else: They're just breaking promises to northerners as well as to the rest of Ontarians.

The lack of understanding of the north has played a role in the government's ill-considered decision to close the Frost Centre, as my colleague from Parry Sound-Muskoka said. I'm quite proud of all the people in the Haliburton and Parry Sound-Muskoka area and across Ontario who have come together to help local communities fight that closure and to reopen the Frost Centre. But, again, I think this is reflective of the urban focus that this government has. It didn't notice the importance of the Frost Centre. I see many members smiling, and I'm sure everyone in this Legislature is in favour of reopening the Frost Centre in some capacity; I'm hopeful. We didn't close the Frost Centre. We understood the importance of it when we were in government.

The bill would amend the Representation Act in order to maintain the number of northern ridings at 11, including the riding of Parry Sound-Muskoka. I just want to put my bid in that I would like the remainder of Haliburton county to be in my riding. There's a small section that's in the member from Parry Sound-Muskoka's riding. So when we do the redistribution with this act, I would like the rest of Haliburton county in with my riding of Haliburton-Victoria-Brock.

The Liberals are certainly trying to reduce the northern voices to 10 ridings in the new federal boundaries, which would mean there would only be nine ridings to speak up for the north. Do we want the north to lose a part of their voice in the Ontario Legislature? There are a lot more than 11 rural ridings across the province, but it's next to impossible to get the government to understand the needs of the north. It's a lot harder to get the point across when there are going to be fewer northern members.

I support this bill. I think the northern voice needs to continue to be heard in the Legislature, where decisions are made every day that affect the lives of the people of Ontario.

Mr Gilles Bisson (Timmins-James Bay): I am just so happy to stand in the Legislature and speak on this motion. It's such an important motion to northern Ontario. To put this in perspective, we know what it's all

about. There was a changing of the boundaries back in the election of 1999, because the provincial government had decided they were going to start following the federal boundaries. So when I first was elected to this House in 1990, there were 15 northern MPPs, and we 15 MPPs from the north, with that critical mass, had a bit of an ability to influence the outcome of what was going on here in the Legislature and individually within our caucuses. Unfortunately, for whatever reason, the former government decided to copy the federal electoral map, so we went from 15 ridings down to 10 in northern Ontario, excluding my good friend from Parry Sound-Muskoka. I was in opposition to that at the time. I thought it was wrong. I thought it was important that we have a sufficient number of MPPs here in the Legislature to represent the north.

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Now we're faced with this dilemma. We have this act in Ontario that says, "We're just going to blindly follow where the federal government goes. If the donkeys who draw up the election maps in Ottawa get it wrong, we don't know, we don't see, we don't care. We're just going to follow, because we're blind." I want to say that I think that's a real really dumb idea. I want to talk to you about a couple of ridings in northeastern Ontario and how the electoral maps have impacted them.

In my current riding of Timmins-James Bay, I go from just south of the city of Timmins all the way up to Hudson Bay, and from the Quebec border all the way to about Lake Nipigon, so it's a pretty large geographic riding to deal with. But now, under redistribution federally, it's a really wonky situation. We now have my riding kind of divided into two. One option is that you can have the federal Timmins-James Bay riding, which is basically Englehart all the way up to Timmins, skip over everything between Timmins and James Bay, so no Smooth Rock Falls, no Kapuskasing, no Hearst, no Constance Lake—just fly right over it; it doesn't exist—and then you go back to James Bay. So you have this riding that is disconnected geographically from any connection to be able to service it. So you've currently got a federal riding of Timmins-James Bay that says Timmins and everything south to about Englehart, and only the things on James Bay north of Moosonee. So those people who live in Kapuskasing, Hearst, Smooth Rock, Constance Lake and everywhere in between can't deal with the federal member in Timmins-James Bay; they've got to deal with their member for Manitoulin Island.

Can you just imagine how dumb this one is? If we had to follow the federal riding, I feel for my friend Mr Brown over how bad it would be, because the other riding is Algoma-Kapuskasing.

Mr Michael A. Brown (Algoma-Manitoulin): Algoma-Manitoulin.

Mr Bisson: Algoma-Manitoulin-Kapuskasing. It basically takes in Nairn Centre, Espanola, Manitoulin, Elliot Lake, goes around Sault Ste Marie almost as far north as—

Mr Brown: Manitouwadge.

Mr Bisson: —Thunder Bay, because it goes up to Manitouwadge and you may as well say you're almost in Thunder Bay, and then it skips out everything in between. The member's got to service Highway 11 from Smooth Rock all the way up to Constance Lake.

I want to put this into some perspective for people. Imagine that you represent the people of Cornwall and your riding is Cornwall and, let's say, Hamilton.

Laughter.

Mr Bisson: I say that and people laugh, but that's basically what it comes down to. It's actually farther than that. The point is, the federal member for the Algoma-Manitoulin-Kapuskasing riding, Mr St Denis, lives in Elliot Lake, I believe. When Mr St Denis wants to service his constituents in Kapuskasing, there's no highway connecting Kapuskasing to Elliot Lake directly. He either has to drive by way of Sudbury and all the way back up around to get to Kapuskasing, which is probably about an eight-hour drive, or he's got to go all the way around the other way, up Highway 11 through Chapleau, or, if he's going up to Hearst, in through the road that connects White River and Hearst. It's really a wonky, wonky riding; it has no connection whatsoever.

I can tell you that the people of Hearst, Kapuskasing, Constance Lake, Smooth Rock Falls and all the communities in between are really unhappy with this. They're saying it makes no sense. Even if you have a person who is well intentioned to service the riding, how does a member living in Elliot Lake do a good job of servicing people in Kapuskasing? It's physically impossible to do.

Mr Brown: But he is.

Mr Bisson: No, but it's physically impossible to do. It's already difficult enough, given the ridings we've got; if we were to follow the federal ones, it would be even worse.

The first point is that we'd lose members in this assembly, which I think is a bad idea. That's why we support the idea in this motion of saying, "Let's keep the boundaries as they are for northern Ontario and basically disconnect northern Ontario from the process in the legislation provincially that makes us follow the federal boundaries." Number two, those particular ridings that the feds have don't make any sense. Whoever is responsible for drawing up the boundaries for the federal ridings is so disconnected from reality that it really is a silly thing.

I want to be clear. We in northern Ontario don't want to lose any members in northern Ontario in terms of total numbers; in this case 10, if you don't count Parry Sound; 11 with my good friend from Parry Sound-Muskoka. We don't believe we should be dropping down to nine or 10, depending on how you draw the map. We need to keep a sufficient numbers of members in this assembly in order to do their jobs.

Now, why is it we're bringing forward this motion, as New Democrats? Let's call a spade a spade. In the last election, the Liberals promised, as we did, that they would do this if they were to get elected. I want to discount the comments made by Mr Gravelle, saying we

were opposed to this in the election. What hogwash. I ran around in the last election, in my platform, saying exactly that if we were elected as government, we would preserve the number of ridings in northern Ontario. So let's keep that really clear.

Anyway, why are we bringing this forward? Because the government, yes, in the last election, promised this to the people of northern Ontario. And—give the government some credit—they came back after the election and said in their throne speech that they would live up to their commitment of preserving the number of ridings in northern Ontario.

But I want to remind my provincial Liberal friends here at Queen's Park, how long have you been in government now? Is it almost a year and a half? I'm saying, nowhere on the radar screen have I seen—I'm the whip for my party, and I see all the legislation. I haven't seen one piece of legislation, I haven't heard the whisper of legislation saying that we're actually going to have legislation to amend the Election Act, to make sure that you live up to your commitment.

So we want to help you along. We as New Democrats are very good-spirited people, we're very positive about making things work in this Legislature, and we're trying to help our Liberal friends. We know they have a problem keeping their promises, and we know we've got to put a little bit of pressure on you because, you know, you northern members may not have the clout that you need in cabinet to make this happen. So by having this motion here, it helps you to lobby your Premier, to make sure your leader keeps his promise. So we want to be helpful. Mr Brown, Mr Gravelle, Madame Smith and others, we want to be helpful. We say to you, we support—because we said the same thing in the last election—the intent of what you said in the last election vis-à-vis the number of seats, and we're here to be helpful. We want to help you. It's the Christmas spirit. We're just coming up to Christmas. The least we can do is give northern Ontario a nice Christmas gift and say we will respect northerners in the next election and we will not diminish the number of seats in the Legislature after the next election.

Mr John O'Toole (Durham): Yes, but you can't trust them; that's the problem. They say it.

Mr Bisson: Well, that's my point. That's exactly our point. We know they have a problem keeping their promises. This is just to help them along, just to push them along and say, "You have a promise; let's keep it."

Now on a separate point—and this might be an issue that northern members want to listen to—there's another thing that we need to do, and it's something that has to be done at the Board of Internal Economy. For those people who are watching and don't know what I'm talking about, the Board of Internal Economy is responsible for giving the appropriation of money for members of this assembly to do their jobs. I'm one of the members on that board, as a representative of our caucus.

One of the things that we need to deal with is to make sure that northern members, as all members in this

province, have a budget for their constituency office that allows them to service their constituents. We are now in a situation where—two elections ago, prior to 1999, the area that I represent basically had two ridings. So we had the riding of Cochrane North and the riding of Cochrane South. The combined budget to run those two ridings was probably somewhere around \$400,000, when you combined the two budgets together.

After the 1999 redistribution, I now represent what used to be two ridings in northern Ontario, because we've gone down to one. Mr Gravelle has the same problem; Mr Brown has the same problem; my friend Mr Hampton has the same problem. We're operating with budgets that are less than what the total was before. It's a huge problem, and people need to understand this.

I want to put this into some perspective: Most of us have multiple constituency offices. There are members in southern Ontario who have the same thing, and I want to say that, but in the north, in ridings as large as mine or Mr Hampton's or Mr Brown's or Mr Gravelle's, in most cases you've got multiple constituency offices. I have to pay rent in two different communities; I've got to pay staff in two different communities; I've got to pay for phones and fax machines—all of that stuff to service constituents. Why? It's because they're large ridings. They're huge geographic areas. To have somebody say, "Well, I've got a problem in Hearst," so therefore they have to drive three and a half hours down to Timmins to get their problem, or they happen to live in Attawapiskat and they've got to get on a plane to get to Timmins—that doesn't make any sense. So you need to have a budget to be able to service your constituents. One of the things that really irks me is that we have never dealt with, at the board, making sure that members have an adequate amount of money in their budgets to be able to service their constituents.

If I'm in an urban riding, let's say like Sudbury or Sault Ste Marie or Thunder Bay, it's a bit of a different kettle of fish. They're urban ridings. Ask my good friend from Beaches-East York.

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Mr Michael Prue (Beaches-East York): One end to the other.

Mr Bisson: One end to the other; you can service that riding in one day. So there should be a budget for members in northern Ontario and Thunder Bay comparable to somebody in Hamilton or Toronto.

But for ridings like ours, there should be a sufficient amount of money to say, "You have enough money to pay the rent for your constituency offices," and you're not forced to put one person in the constituency office, as I have to do in Kap, because it's not fair to that person. As far as a safety issue and all of that, there should always be a second person in the office, in my view, and the money so that we can travel and have our staff travel to do the various clinics that we've got to do in our ridings. For example, in my riding—I'm going to say it here—since 1999, I have gone over my budget each and every year. In some cases, I've had to pay that out of my

own pocket, and it really irks me that I have to do that to service my constituents. The Legislature has to deal with that by way of the Board of Internal Economy to make sure there's enough money for us to service our constituents.

But then there's another issue, and this is an issue that's only particular to Mr Hampton and myself. Any member in this assembly who decides they want to attend a meeting or go to a function or visit a constituent can get in their car and drive to see that constituent. It could be an eight-hour drive, depending on how big the riding is, or a two-hour drive, and then they charge mileage which is outside of their global budget. In other words, it's paid by the assembly and doesn't affect your global budget. Mr Hampton and I don't have that luxury. Half of our ridings are only serviceable by air. There are not even commercial flights to most of them, so you have to charter. They say, "It's not a problem. We'll give you \$20,000 extra to service the northern parts of your constituencies." A charter to Peawanuk is almost \$8,000. Imagine if you have to service a riding like mine or Mr Hampton's. Now you've got to make some decisions: How often are you able to service those constituents who don't have roads, where you have to fly in to visit them? You're limited. You say, "I've only got \$20,000, so I can only go to your community"—well, you can't even go to all of your communities in a given year. If we have to follow the budget as it is now, especially Mr Hampton—he has more northern reserves than I do. But in the current budget structure, I cannot physically go to each of the communities in the northern part of my riding within my global budget. I just can't do it.

How did I respond? I learned how to fly and I bought myself an airplane. But, listen, it's not everybody who's prepared to do that. It's not fair to me and it's not fair to Mr Hampton.

Mr Hampton: And not everybody is prepared to fly with him, either.

Mr Bisson: Exactly. Nobody's prepared to fly with me; that's the other issue.

But it is not fair to another member who will come behind me and who says, "I don't want to learn how to fly, and I don't want to buy an airplane as a condition of employment." Members should have the right to go to their constituents whenever they need to. If it costs me \$60,000 or \$100,000, I don't care; that's the cost of servicing your constituents. If we're going to have large geographic ridings and it costs \$50,000 or \$40,000 or \$100,000 outside of my global budget for me to attend meetings in communities that are fly-in communities and reserves, and the same thing for Mr Hampton, it should be picked up by the assembly. It's as simple as that. If you don't want to have big ridings, then make them smaller. Have a James Bay riding only, where that's all they've got to service. Let a member be elected in James Bay to deal with the ridings up there, and you can have some efficiency of scale. But when you're asking us to have ridings as big as they are now, from Timmins to Hudson Bay, and for the member from Kenora all the

way from the southern part of northern Ontario up to Hudson Bay, which is a larger riding than mine, it's really unreasonable and unfair to those constituents.

I put it on the record today: The Board of Internal Economy has got to deal with allowing members who have fly-in reserves to be able to travel to those ridings whenever they need to, and if the cost is \$50,000 or \$100,000 per year per member, so be it.

With that, I appreciate the time that we've had in this debate today and I look forward to all members voting in favour of this motion to make sure we do not reduce the number of ridings in northern Ontario beyond the point it is now, which is pegged at 11 members.

Mr Brown: It must be Christmas. It is the season, and I'm delighted to be here.

I appreciate Mr Hampton's motion; I might as well say it. I thank the leader of the third party for pointing out that on two separate occasions I had introduced a bill essentially doing what we're asking today. I would also point out that in the northern Ontario Liberal platform—we actually had a northern Ontario platform—this was a commitment that was made. It was also a commitment that the government made in the speech from the throne. I would remind members that the next election will be—when is it?—October 4, 2007, and the government will enact this legislation by then.

I am thankful, because the member for Kenora-Rainy River has a long history of supporting my initiatives in this Legislature. He'll remember that in the last Parliament he tried to get unanimous consent of this House for my bill, which would bring Great Lakes Power under rural rate assistance. He vigorously supported my efforts in order to have that passed. So there's a long history here, Mr Hampton.

It is the Christmas season, it's the holiday season, and it's nice to see that they're finally here.

I'm interested in the Conservatives' approach to this. This was the party that in 1999 reduced the number of seats in northern Ontario from 16 to 11. A third of our seats were eliminated by the Conservatives.

I was listening to the member for Timmins-James Bay. He was talking about the absolute difficulty with servicing the large, rural northern Ontario ridings. My friends from Thunder Bay-Atikokan, Thunder Bay-Superior North, the two members who spoke for the NDP, Ms Smith from Nipissing and myself all understand the kinds of difficulties there are in providing service to our constituents over the large area.

This bill doesn't really address that. What it addresses is keeping the 11 we now have. It would be impossible for me to visualize what a Parliament with fewer northern members might be like. We have a significant impact because the most important member of the northern Liberal caucus, the northern government caucus, of course, is not a northerner at all but the Premier of Ontario, who vigorously supports our efforts in northern Ontario. We've witnessed a number of things that have happened in very recent history: the changes to the heritage fund that make the economy, job creation and

job growth go forward. We've witnessed the grow bonds initiative, which I'm hoping the NDP will vote for this afternoon; it is something that came out of northwestern Ontario chambers of commerce. Two western provinces have grow bonds, which have been effective in providing opportunities for business and job creation in those provinces and certainly will in this province.

So this afternoon, in response to this Christmas support for our efforts on this file, it's kind of nice to know the NDP is finally with us on these things. We're very interested to see what the Conservatives are going to do on this particular file, because I heard some people from the front benches of the Conservative Party saying things totally opposite about this initiative when we mentioned it in the speech from the throne. So when they stand up, as they will at noon, we will be interested not only in knowing the number of Conservatives supporting this, but who from the Conservative Party is here to support it and who is not. I think that will tell a lot of tales.

So thank you very much for this brief opportunity to intervene.

The Deputy Speaker: I did notice that the third party had 10 seconds left, but perhaps we're now ready for—

Interjection.

The Deputy Speaker: The member for Kenora-Rainy River, you have two minutes to respond.

Mr Hampton: I just want the opportunity to summarize and to thank members from all parties and all sides of the House for supporting this resolution.

I want to conclude by pointing out why this resolution is necessary, why it will be necessary to change the electoral law of Ontario. As the law now stands, Ontario automatically adopts whatever federal redistribution of seats or federal redistribution of ridings happens. I think that's a bad idea for a number of reasons, but if we're going to adopt what Mr Brown has called for, if we're going to get the government to adopt what it said in the throne speech, if we're going to get Mr McGuinty and the government to adopt what they said during the election campaign, the electoral law in Ontario will have to be changed. It will have to say that we do not automatically follow the federal redistribution or whatever federal distribution of seats, ridings and electoral districts may happen. In this case, this resolution calls for there to be no less than 11 ridings, 11 constituencies, 11 electoral districts, in what is defined as northern Ontario. So that's why this is necessary.

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The other reason it's necessary is because we're already seeing that despite this government putting something in their election platform, despite them putting something in the throne speech, they have broken a lot of these promises, or they've forgotten them. I want them to keep their promise. I want them to keep their other promises too. I want to see those studded tires. I want to see those Scandinavian studs. I don't know why we don't have them already. I look forward to support from all members for this resolution.

CONSUMER PROTECTION PROTECTION DU CONSOMMATEUR

Ms Deborah Matthews (London North Centre): I move that, in the opinion of this House, the government of Ontario should take steps to ensure that consumers are protected from excessive charges and hidden costs in the alternative financial sector and payday loan industry.

The Deputy Speaker (Mr Bruce Crozier): Pursuant to standing order 96, you have up to 10 minutes.

Ms Matthews: In my riding of London North Centre, a single mom with two children living on social assistance is charged \$54.30 to cash her social assistance cheque at National Payday. If she had gone to a Royal Bank, however, or a TD Canada Trust or a CIBC, she could have cashed that cheque for no charge at all, even if she didn't have an account at that bank. That means \$54.30 that could have been spent on food for the kids was spent instead on unnecessary cheque-cashing fees. If that same woman had cashed that cheque, worth \$1,086, a week before it was payable, she would have paid \$112 for the privilege at Moneyline. That works out to over 530% per annum interest on a government cheque that had virtually no risk of bouncing.

Today, in the heart of my riding of London North Centre, someone is borrowing \$100 for three days and paying \$18 interest. That's 18% for three days, or 2,188% annual interest. That is the cost of a loan from the Money Mart located right across the street from the police station at Dundas and Adelaide Street.

This is not happening just in my riding, it's happening in yours too. It's happening right across Ontario. These customers are getting ripped off, and it's time we, as legislators, used the full extent of our power to protect them.

Payday loan companies and cheque-cashing services are popping up all over the place. From being virtually non-existent just 10 years ago, there are now over 1,200 storefront operations across Canada.

They are a very big business. Money Mart, the largest payday lending firm in Canada, reports over \$4 billion in annual transactions. The stores are predominantly located in low-income neighbourhoods, and they target their advertising and other marketing initiatives to people with low incomes.

According to research into the industry, the best customers, not surprisingly, are economically disadvantaged consumers. That is the group that is most likely to make habitual use of payday loans or to borrow from several simultaneously. Those in financial distress due to bad credit or recent bankruptcy are also more likely to use the alternative financial sector, a sector that comprises a number of businesses, including pawnshops, cheque-cashing services and payday loan services.

Payday loans are short-term loans typically under \$200 that are taken out to tide someone over to their next payday. There are many, many unsavoury practices associated with them, including back-to-back loans and rollover loans that trap people into an increasingly deep whirlpool of debt from which they can never escape.

Another problem with payday loans, raised by a consumer debt counsellor in my riding, is that people are asked as part of the application process to sign wage assignments in the event of failure to repay the loan. These wage assignments attempt to circumvent the legal process that is required to deduct money from people's wages. The debt counsellor told me that people often don't even recall signing the form. It is one of many forms put in front of them to sign as they wait anxiously for the cash. These wage assignments have no actual legal force. A court order is required to assign wages, but they are often enforced anyway, despite their highly questionable legality.

A recent series of articles in the Toronto Star in June of this year written by Nicole MacIntyre and Jim Rankin exposed in great detail, using real-life examples, many of the odious practices of the industry. I urge people to read those articles if they are interested in learning more about this industry, and I congratulate the authors and the Toronto Star for highlighting serious issues in this sector.

There are many questionable practices in this industry, but perhaps the biggest problem is that interest rates charged are far above the legal limit of 60%, the maximum allowable level stipulated by the Canadian Criminal Code section 347. These companies get around this law by charging fees over and above the interest rate: set-up fees, brokerage fees, per item fees and so on.

Let me share with you a few examples from the Toronto Star investigation. A loan of \$100 for three days at Payroll Loans cost the borrower \$25.48. That's over 25% interest for three days. It works out to an annual interest rate of over 3,000%. A loan of \$120 for seven days from Stop 'N' Cash cost the borrower \$41, or an annual interest rate of 1,782%. Just so you don't think that I'm choosing the most exorbitant examples, here's the lowest rate found by the Toronto Star investigators: Cash Now charged a mere 487% interest on a 15-day, \$100 loan.

The reasons for the growth of this industry are many. To name only a few: Banks have closed branches in lower-income neighbourhoods and they don't offer loans for small amounts of money; another reason is that people are increasingly reliant on and comfortable with credit, and income levels in the lowest income brackets have stagnated, causing more economic instability in that group of people.

But this new industry that preys on the most financially illiterate, the most desperate, is thriving. Some attention, I'm happy to say, is already being paid to bringing this unregulated industry under control, and I applaud Minister Watson for taking the action in the first year of our mandate.

Bill 70, the Ministry of Consumer and Business Services Statute Law Amendment Act, 2004, includes amendments to the Consumer Protection Act, 2002, and will require payday lenders to disclose the full credit cost of the loan to their consumers. It goes into effect in June 2005. This is a very good first step, and I urge the drafters of the regulations to ensure that the costs are

posted in a highly visible manner, that they are clearly communicated to the customers and explained in ways that are appropriate, given the low levels of financial literacy of many customers.

This is an issue that's governed by both federal and provincial jurisdictions, and the federal-provincial-territorial consumer measures committee has been working to develop a comprehensive national strategy to address the unethical practices of the alternative financial sector. I urge the Minister of Consumer and Business Services, along with the Minister of Finance and the Attorney General, to put the full force of their weight behind measures that will protect consumers across Ontario from unconscionable practices. In Ottawa, Senator Madeleine Plamondon has introduced Bill S-19 to amend section 347 of the Criminal Code that, if passed, will enshrine in law the notion that interest includes all costs associated with borrowing money, including insurance and administrative fees that are charged on top of very high interest rates. This bill passed second reading just last week and has been referred to the standing Senate committee on banking, trade and commerce. I applaud the senator's initiative and urge the federal government to make this bill a priority for debate and passage.

Even the industry itself, through the Canadian Association of Community Financial Service Providers, has responded to the increased scrutiny their sector is under and recently announced a code of conduct that addresses many of the unsavoury practices found in this industry, including the elimination of rollover loans and a commitment to fair collection practices.

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I am encouraged that the industry is showing signs of improving their standards, but there are two very major problems with this code. The first problem is that it is entirely voluntary. It is not binding on the industry. About 25% of outlets are not even members of the association, and the code is not binding even on the 75% of storefront operations that are members.

The second problem is that this code fails to address the most glaring abuse in the industry: The interest rates charged are exorbitant, well in excess of the 60% limit allowed under the Criminal Code. Let me quote from a National Post editorial dated December 4, 2004. "Alas, noticeably missing from the code is any pledge to cap interest rates at the legal limit, which, according to section 347 of the Canadian Criminal Code, is 60% interest per annum."

So I'm asking you to please take our responsibility to protect consumers seriously. Let us not fail to protect some of the most vulnerable people in Ontario: those with low levels of financial literacy and those who are in desperate financial circumstances. We don't have a problem protecting people from themselves in many other ways, so why would we fail to respond to this rapidly growing sector that bases its entire business plan on excessive charges to their customers? Let us remember that it is our job as members of provincial Parliament

to represent the public, especially the people who have little power and who rely on us to protect them from corporations that appear to be concerned with little more than their bottom line. Let us never forget that single mom struggling to feed her two children. Our poorest people are very poor indeed. Let us as a government work together to take the action necessary to protect them from the hidden costs and excessive charges and help them keep more of their money for the food, clothing and shelter that they and their children need. Thank you.

The Deputy Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm certainly pleased to join the debate on the resolution from the member from London North Centre. It goes without saying that consumers should be protected where there is not full disclosure, where there are practices designed to take advantage of their vulnerability. As a principle, I think that is accepted by anyone in this House. Why it has come to this stage, that a backbench member from the government is bringing forth a resolution that should already have been acted upon and dealt with from the date Minister Watson took over his portfolio, if he was concerned about this—because we just put through legislation that was supposed to be dealing with consumer protection—I don't know.

Certainly this is symbolic in a sense, but it's not going to do anything unless the minister—I don't know the reason why this is being brought forth, other than the fact that maybe she's prodding her own minister to do something, which in her own way is laudable. But why is she doing this? Why is the government not acting—they are the government—in dealing with what, as she points out quite accurately, is a serious problem? In a December 15 letter to me, she says, "This industry is a rapidly growing one. In the last decade, the payday loan sector has grown from almost nothing to over 1,200 outlets across Canada." Certainly it's an industry, a business, and their objective obviously is to provide payday lending.

I was given an article by my colleague from Cambridge, Gerry Martiniuk: "Consumer Group Pushes for Regulator." They're looking at some new rules intended to protect customers who use the payday loan services. "But at least one consumer group says that the new rules don't address the real problems with payday lending, won't be enforced strictly and are merely an attempt by the companies to avoid government intervention in their industry." A code of best business practices was set out in this area.

That's part of the problem: They want self-regulation in a situation that obviously needs government intervention. When we're dealing with what I read today—"Loan Rollovers Face Axe in the New Year." For the listening public, the loan rollover practice, what they're going to put an end to supposedly, though this is strictly self-regulation—among the new rules is the end of a rollover practice used by some companies. A rollover practice, from what they say here in the article, extends an outstanding loan to a customer's next paycheque for an added fee. So what's happening here is that you've

taken out a loan—these are unsecured loans, as they call them, but this is a way of getting security, because if you come the first time and say you want this amount of money, and you get that amount of money, you're expected to pay it back at an interest rate and whatever, but if you come back the next time, what they're doing, in terms of a way of securing their loan, is adding an extra fee.

That practice has been going on, and obviously it's designed to bring some security into the system. Why this is such a popular industry, if you wish, is that—what was stated by the president and CEO of the CACFS organization, which is the Canadian Association of Community Financial Service Providers, yesterday, or on December 14, more correctly, from Ottawa is, "There is a strong consumer demand for small-sum, short-term unsecured credit, and both governments and consumer groups have acknowledged that there is a need for this product. This study shows that there are significant fixed costs associated with providing small, short-term loans." This is a study done by Ernst and Young.

No kidding. If you're going to get into the business of providing unsecured credit, of course there are going to be costs in terms of your operating costs, of course there are going to be debts. That goes without saying. That's why people are not going for these short-term hits from a bank or using a line of credit. If they had a line of credit, they wouldn't be going there. What they're doing is going to these payday loan operators.

In BC, from what I understand, BC officials are probing an Ontario loan firm—this is provided to me again by my colleague from Cambridge. He's very, very well researched into this area. The British Columbia investigators are looking into whether Stop 'N' Cash, an Ontario-based payday lending company, is charging criminal interest rates on its short-term, paycheque-to-paycheque loans. This was reported in the newspaper by Jim Rankin, a staff reporter from the Toronto Star, October 15, 2004.

So we've got a situation here where the consumers do need protection. We all agree on it. The government has to move to regulate this industry. Why? It's because it's a growing industry and, obviously, it's lucrative. Obviously, they've got practices in place to make sure that what appears on the surface to be an unsecured loan doesn't in fact become an unsecured loan, because the fact of the matter is that they're charging, from what we're hearing here, excessive interest. They're charging fees on the next loan in terms of the practice they're into. They're making sure that they're getting their money back.

Certainly, this isn't going to be good. I think there's a ripple effect in terms of where this can go, because obviously they're going to enforce their loan eventually, and they'll do that through the courts or through a credit rating agency. That's where I think we get back to concerns of consumer reporting. If an individual does get in real trouble with respect to this type of situation, they're going to get their consumer credit rating impacted, obviously, because it's going to go on their con-

sumer credit rating because of the situation they're dealing with. It may be that they could fix the problem if they weren't being charged excessive interest, if they weren't being put in a position where it's not fair in terms of what they have to pay.

So I don't think self-regulation is going to work. I think the government is going to have to move in on this industry, because the fact of the matter is that this industry obviously needs some regulation. The people shouldn't have to go to the Criminal Code. They shouldn't have to go to court in terms of dealing with what is supposed to be a payday loan operation. It's much more than that, and the government is going to have to act.

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Mr Gerry Martiniuk (Cambridge): I'm very pleased to rise today to support the resolution brought by the member for London North Centre. If I'm not mistaken, this matter has come before this House before, brought by the member for Glengarry-Prescott-Russell, if not once, possibly twice, because this is a growing problem, the proliferation of the payday loan offices across Ontario and Canada. I understand there are now 90 companies operating in Ontario, with some 1,200 outlets.

Ernst and Young, in a report issued just yesterday, I believe, estimates that between 1 million and 1.4 million Canadians used the services over the past three years. That's an outstanding number. They point out—and this surprised me to a great extent—that contrary to expectations, the typical customer had an average income of \$51,400, which is basically close to the Ontario average, and that these customers had a steady income, an active chequing account, and most customers own their own home. I, along with many others, just assumed that the attraction of these outlets was for low-income workers or other persons on government assistance, but it seems there is a very good mix.

What do these shops do, these 1,200 shops we have in Ontario? They provide a very short-term loan, usually under two weeks, and it's for a relatively small amount of money. The average loan, according to the Ernst and Young report, is \$279. So they're providing a service. What seems to be the problem?

Well, the first problem is that I think the proliferation of these shops illustrates the failure once again, I'm afraid to say, of the Canadian bank system in meeting the needs of ordinary Canadians and small businesses. The banks seem to be more concerned with using our money to increase their exposure in the foreign markets than with satisfying the obvious demand at home.

The payday shops unfortunately are totally unregulated. There is no protection for the consumer other than a bill passed the other day, which I will mention. I understand that some of the payday shops are under investigation in BC by the police for possible criminal activity. I was astonished to read that in Ontario, a group of the shops charged an insurance fee which equated to 25% of the amount. Of course this wasn't done openly, because the insurance fee was paid to a Barbadian

company, as I understand it, and then 97% of the insurance fee was rebated back to the loan shop as a secret commission. We sometimes question our neighbours to the south in the US, but I think that if this had occurred in the United States of America, these individuals would now be residing in jail. Not in Canada: They got a slap on the wrist and they're still going about their business, though they have stopped the secret rebates, as far as we know at this stage.

Recently the industry in Ontario and this Legislature provided for full disclosure of the cost of such loans. But this certainly does not go far enough to protect the consumer. That's why I'm very pleased that the member for London North Centre has chosen to use her valuable choice in bringing this resolution. The resolution before us recommends controls on the cost of borrowing. That is the innate problem with the operations as presently flourishing in Ontario, because the interest rates taken on an annual basis, if you include the various costs—insurance and other fees—I understand can range up to 900% per annum, far exceeding the usury rates as set forth in the Criminal Code.

I understand that the government and the Minister of Consumer and Business Affairs, Jim Watson, is studying the matter and will be meeting in June 2005 to discuss the matter with other ministers. This may be a Canadian problem but, more importantly, it's a problem in Ontario that affects our consumers, and we do need action now. I think it's an urgent problem, and this resolution will be wholeheartedly supported by myself and members of the PC caucus. Again, I thank the member for London North Centre for bringing the motion.

Mr Michael Prue (Beaches-East York): It's a pleasure to support this, but I have to tell you that, in doing some research, I came across an article in the *Ottawa Citizen* dated December 4, 2004, which is just a little over a week ago. I'd like to read into the record the last few paragraphs of that article because I think it sets it all in a nutshell. I think the author is to be commended. He writes:

"In one of the few court cases involving payday lenders, an Ottawa judge this summer ruled that one payday loan company's 290% annual charge was 'interest at a criminal rate.' The company was ordered to repay all interest above the legal 60% limit. Over three months, the borrower had paid \$728 in interest and charges on a \$1,000 loan. The loan company also seized his car, sold it for \$1,211, and said he still owed them \$576.

"These moneylenders are probably useful to people in desperate financial straits, but the fees they charge are obscene. Why does the government continue to let them get away with it?"

Then it quotes the minister:

"I think we're going to have to be more aggressive," Consumer and Business Affairs Minister Jim Watson says. The payday loan industry 'is growing at a pretty rapid rate, and I'm just afraid that there are too many vulnerable people who are going to get caught in these cycles of debt, to the point where they are going to end

up being bankrupt at the hands of a payday loan operator.'

"Despite that concern, the Ontario government isn't exactly moving at top speed. Canadian consumer affairs ministers will issue a position paper on payday lenders early next year, then discuss it in June. Action might follow, but it will need to be coordinated with the federal government, Watson says.

"It's difficult to fathom how a provincial government that's prepared to tell us what snacks kids can eat in schools can stand by while consumers are victimized in apparent contravention of the law. What's wrong with enforcing the rules we already have?"

That's a good article and I think it has done it all in a nutshell.

Today we have a motion, which I'm going to vote for and I'm sure every member of this House is going to vote for, but it is in fact a motion asking that this minister do what should be readily apparent to every single person in this House, indeed every single person in this province: It is a motion to ask him to do his job. This is a backbench MPP, one who has, I'm sure, the public interest at heart, asking her minister to do what is so obvious.

The government of Quebec has already decided that this is an illegal activity, and they have outlawed it in large part and licensed that which remains. If the minister is looking at what to do, he doesn't need to have a round table in Ottawa. He doesn't have to have discussions in June. He simply has to get on the phone and ask the Quebec government to send by fax or by e-mail a copy of their legislation. We could have that legislation in front of this House today. We could pass it this afternoon. That is what is important, not so much this motion asking him to do something but the reality that he actually does it.

1130

The Criminal Code of Canada, for nearly 50 years, has set out an interest rate cap of 60%. Anyone who charges above 60% is deemed to be loansharking. Everyone who charges above 60% can go to jail for it. Everyone who charged above 60% in the days before this Criminal Code provision was deemed to be a loan shark. Today, we have legalized loan sharks with storefronts in virtually every city and town in Ontario, with signs: "We'll give you money till payday." But what they don't tell the poor unsuspecting and sometimes illiterate people who walk in there is that they are going to be ripped off in a way they cannot possibly imagine.

There is nothing here before us except the goodwill that the government will some day do something right. I will tell you, if the government is keen on doing something right, they will stop what are called rollovers. That's where a person goes in and pays the interest and is told, "Well, that's OK. We'll roll it over to your next paycheque," and most of these companies consider that to be a brand new loan.

So if you take out a \$500 loan, if you pay the standard interest, which is at 268%—that's the average in Ontario—and make loan payments each and every month of about \$110, at the end of the year you will have paid

\$1,350 to this company and you will not have paid off a single penny of the principal. This government needs to stop rollovers—not talk about it. They need to do it today, especially in view of the Christmas season, when desperate families are out there trying to find a few dollars to put a toy under the tree or a little bit of food on the table. No matter how poor you are, you want to celebrate this Christmas season, this holiday season in Ontario, and many of the most vulnerable people get ripped off, particularly at this time of year.

This industry, if you want to call it an industry—I would like to call it more like organized loansharking—now proposes to regulate themselves. I read the press release of Peter Kormos, which was put out yesterday or perhaps this morning. He knows how to turn a phrase, and I'd like to steal this from him, although I am giving him credit. He puts it this way: "Asking payday lenders to regulate themselves is like asking Al Capone to guard a bank."

I think that if all this government is intent on doing is asking this industry to regulate itself, if that's all the minister is going to do after he comes back from Ottawa, if that's all that's going to happen next June, then we simply want no part of it. This is an industry that needs to be shut down. This is an industry that needs to be stopped in its tracks. This is an industry that should not be on the streets of the towns and cities of Ontario.

If you're in Ottawa, as Minister Watson is, and you cross into Hull, you will go from having dozens and dozens of payday loan operations on Bank Street, Bronson Avenue and all the other streets in Ottawa, to having absolutely none in Hull. If he wants to know how to do it, if this government wants to know how to do it, simply cross the river and see how it is done. It is done because it is not allowed.

We need to stop these payday loan people from extending outstanding loans to the next paycheque. They have said they're going to regulate themselves that way. They're going to extend the outstanding loan to the next paycheque that some poor individual might get in, whether that's a welfare payment or something from the place they work.

The minister was quoted, and I'm quoting him from this same story: "I think it's a good first step," the minister says." Wrong. It's not a good first step. It is not a good step from this industry. All that is going to happen is, they're not going to do the rollovers; they're going to do new back-to-back loans, which are still there and which some of them rely on, or consecutive loans, which are also in their arsenal. If they don't do the rollover, they'll do one of the other two.

The minister is naive if the minister thinks that this is a good first step. It is, in fact, not a good first step. It is simply allowing them some other loophole that they're going to take advantage of. It is to justify an extension of time to them until next June, when they need to be stopped today.

There was a man in here watching or listening to the proceedings the other day, and I'd like to tell his story.

His name is Rob Ferguson. He was sitting here listening to a question that was asked by my colleague the member from Niagara Centre. This is Rob Ferguson's story.

Rob Ferguson is legally blind. Rob Ferguson lives on his ODSP payments, as meagre as they are, and I believe they're somewhere around \$1,100 a month. Rob Ferguson had a dream that maybe one day he could get off ODSP, and he wanted to start up a small business. He went to a payday lender last year. This was a big, big mistake. He took out a \$200 payday loan. Then he had to keep borrowing, because at the end of every week he had to pay back the \$200 loan. So he got himself caught in a vicious cycle. He has had to borrow first from one lender and then from another to pay off the first lender, and then from another to pay off the second lender. He's had to borrow \$210 since then from Cash Advance, \$200 from Stop N Cash, and \$690 from the Cash Store, all to service this first \$200 loan. Over the past few months, he has literally repaid hundreds of dollars over top of the \$200 loan. What has happened is, with the rollover policy, he couldn't pay any more, so they simply kept rolling it over and rolling it over.

At the end of this month, on January 1, Rob Ferguson owes the following amounts: He owes Cash Advance \$400, he owes Stop N Cash \$300, and he owes the Cash Store \$950. This poor man, at the end of this month, has to pay \$1,650 for taking out a \$200 loan, a man who's legally blind, on ODSP, and who had a dream of starting his own small business—a dream, I might say, that has been shattered, a dream that will never come true. In fact, if he doesn't pay that, the only alternative, and what this company has threatened to do, is to take his entire ODSP payment that he will get on January 1.

That is who they are. I want to say that there is probably no more reprehensible group in our society than these guys, these thugs.

I'm telling the member opposite, I'm going to vote for her motion, but I can't wait. The people of Ontario can't wait. I don't want a ministers' conference in the spring. I don't want to wait until June. I don't want to wait. I want the minister and your government to do what needs to be done today. You merely have to go to the province of Quebec and ask them. The legislation will come in both official languages. It can be read and implemented.

The minister needs to do the following, and it's absolutely important:

The first is that there needs to be an interest amnesty so that interest cannot be charged above 60% contrary to law.

The minister, in his legislation, needs to lay charges, and needs to do it even before the legislation comes down. Instruct the Ontario Provincial Police, the Royal Canadian Mounted Police and the police forces of all of the municipalities to go in and lay charges against every single one of these companies wherever more than 60% has been levied. We know there's one court case and, by God, I know that there are sympathetic judges out there who will throw these guys in jail if that's what needs to be done, because that is what needs to be done.

We need to have immediate legislation based on Quebec. We need to have interest rate caps. We need to have laws that do not permit rollovers, extensions or back-to-back loans.

If these companies are to exist in any guise at all in the future—I hope not, but if it's legally impossible to stop those storefronts from remaining—they need to be licensed, as they are in the province of Quebec. There needs to be legislation that allows us to fine them whenever fines are necessary. We have to have the authority to refuse licences for anyone who has been convicted of usurious lending. We need to be able to have revocation of the licences.

1140

We need the authority to publish all the complaints. In this city, if a restaurant has a dirty kitchen, there is a poster on the front that says they were complained about in the past six months, even though they may have cleaned it up. We need to have that same complaint form, that there have been complaints about the usurious interest, on every one of these right in the front window so anyone who goes in there is going in with that knowledge and that understanding: "This is a rip-off place. The government of Ontario says so. We've had complaints in the last six months."

We need public disclosure of corporate structures. I want to know who's involved in this. If there's public disclosure, we may come to know that a lot of this is criminally run, and if it isn't, it's offshore, and if it isn't, it's still probably illegal. We need to have a structure, when the new law comes in, of reporting to regulators of fines, of education and of reporting to the Legislature.

All of us can grouse about the banks in this province, but if the banks ever did this kind of stuff, we would shut them down too. I'm asking the member—we're voting for this—to tell the minister we can't wait till June.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I too want to compliment my colleague for bringing forward this resolution. It's a really important discussion we're having, and I want to thank her for initiating it.

A while back, when I was contemplating getting involved in provincial politics, one of my daughters and I were having coffee at Tim Hortons, and when I asked her about her thoughts about coming to this place, she said to me, "You know, Dad, you've been involved for some time now in jumping in the river and rescuing people municipally, people who were struggling against the current. I've been thinking that maybe it's time you went upstream and looked at who was throwing them in." I think, in some significant way, that's what the member is doing this morning. We need to go upstream, I would dare say together, in the context of accepting our responsibility in this people's place to defend people who are often living on the fringes of life in the debt cycle that my honourable colleague opposite talked about.

We've got folks in our society who, sadly, are quite prepared to exploit people on the fringe, the greedy lenders who take advantage of needy borrowers who get

into a cycle that is just impossible to get out of. I think it's the role of government to get involved in situations like that, to intervene. Some have used the term "financially illiterate." If that's true, to whatever extent that's true, there's a particular onus on government to get involved.

We get involved to protect, as my colleague said, the quality of food in restaurants. We're talking aggressively about closing coal-burning plants, having to do with the air we breathe. We moved yesterday to bring in the strongest prohibition against second-hand smoke, smoking in the workplace—all of those, quite justifiably, to protect the common good. Here we've got a situation where we need to move together to protect people and in the common good.

In that context, referencing my colleague's admonition calling on the Minister of Finance, the Attorney General and the Minister of Consumer and Business Services to, I think the phrase was, "throw the full weight of their offices behind changes," I'm pleased to report that a recent letter was sent, co-signed by the Minister of Finance, Greg Sorbara, and Michael Bryant, our Attorney General, and Jim Watson, to the Honourable Irwin Cotler, the Attorney General of Canada, drawing attention to the provincial-federal-territorial working group known as the consumer measures committee and some of the recommendations they have made around controlling this industry and really highlighting for the justice minister the belief of the CMC that this is an issue desperately crying out for some federal leadership and some amendments to the Criminal Code.

There were some references already to consumer awareness, the need for credit disclosure, fair collection policies, limits on alternative consumer credit market loans and rates, the obvious amendments to the Criminal Code, limits on loans, perhaps to a fixed percentage of a borrower's net income, coupled with, the CMC has suggested, government regulation with broad oversight, enforcement and disclosure requirements.

We also need to be talking to the bank about appropriate adjustments to the Small Loans Act so that those with particular credit difficulties can, under some prudent guidelines, have access to some of the funds they need.

Again, I want to commend the member for her initiative, and I want to urge all of the members in this place, particularly on private members' day, to join hands, to walk upstream, to spot those who are throwing people in the river with the rapidly moving waters up to that precipice from which they can't return, and to stand together and say, "Stop. We've had enough."

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): C'est un plaisir pour moi de me joindre à ma collègue la députée de London North Centre. Je la félicite d'avoir présenté cette résolution, une résolution qui a pour objectif la protection du consommateur.

Hier soir, j'ai pris la rue Yonge ici à Toronto. Sachant que nous étions pour discuter de cette résolution à la Chambre aujourd'hui, j'ai visité une des entreprises pour m'informer davantage sur la façon dont nous fonctionnons. J'ai les pamphlets ici. Puis, laissez-moi vous

dire que, après avoir visité cette agence sur la rue Yonge, dont on en compte huit à partir du Centre Eaton jusqu'à la rue Bloor, je suis rentré à deux endroits différents. J'ai posé plusieurs questions. Mais, malheureusement, ils se sont aperçus que je m'informais concernant une discussion que nous avions eue à la Chambre ici hier et que, possiblement, le tout était pour revenir. Je ne sais pas où elle aurait appris son information. Mais à Toronto, nous comptons 123 de ces entreprises qu'on pourrait appeler des points de vente, dont les 123 représentent 12 différentes agences. La majorité sont affiliées avec la Western Union. Western Union Canada a 2 800 points de vente au Canada et 196 000 dans le monde entier.

En retournant au bureau à 10 h 30 ensuite, j'étais sur mon Internet afin de trouver de l'information additionnelle. Oui, c'est vrai qu'on en profite. Comme souvent les gens nous disent, ce sont des « money grabbers ». On ne peut pas dire d'autres mots. Je regarde ici un article paru dans le National Post de Toronto. As stated by Laurie Campbell, in some cases, total lending costs translate into loan rates topping 1,000%.

Let me tell you that lately I received a phone call, because we have some in eastern Ontario too. This what they call money-grabber manager called me. He said, "Mr Lalonde, I want some help from you." I said, "What do you mean? What type of help? I'll see what I can do." He said, "I have this lady who is on welfare, on Ontario Works, who has signed this post-dated cheque, and now that her time is up, I went to the bank to cash that cheque and the bank refused to cash the cheque." I said, "Definitely, I have to call this bank manager back and congratulate this bank manager because you cannot withdraw any money that has been received by an Ontario Works recipient."

1150

Those companies really go after people who are sometimes in urgent need. Through my past experience, those who are going to knock at those doors or visit those money-grabbers, I am told they're called—

Mr Peter Kormos (Niagara Centre): Thieves.

Mr Lalonde: I'm not going to say they're thieves. You're saying that.

It does happen quite often to hockey players, especially—if I look at the London Knights today, they're the top team in Canada. Around Christmastime—and I've lived the experience, because I used to run a junior hockey team—those hockey players needed money to buy gifts for their girlfriends, for their mothers, because they'd been away from home for a certain period of time. They go and knock over there. They get \$55 a week to play hockey in major junior hockey, but they just can't afford to get the money at the last minute. I've seen a person pay interest rates of over 1,100%.

Let me tell you that in all those places that I was looking—there are 12 in Toronto—the interest rate varies from 891% per year to Money Mart, which is 519%. This is why today all in this House have to support the motion brought by the member for London North Centre.

Ms Laurel C. Broten (Etobicoke-Lakeshore): I'm very pleased to stand in support of my colleague the member for London North Centre, who has brought this very important issue before the Legislature today. I recall sitting with my colleague for London North Centre when we had some Ontario Works hearings in Etobicoke. We talked about this issue and the lack of opportunity for those who are living in a cycle of poverty, caught by cycles of debt, to be able to get out of that cycle. I think at that time we both really started thinking about, as legislators, as advocates, what we could do to bring this issue to the forefront in response to a number of journalists who, I have to say, have been doing an excellent job of bringing this issue up.

I just want to talk for a couple minutes about what we can do and who are the individuals we all need to watch, as advocates in our community, to help deal with these issues.

Obviously, what we're talking about today is a cycle of giving loans where you provide a loan for a very short period of time for generally a very small sum of money, based on individuals who are caught up in a cycle. It allows those individuals to prey on those in our community who are vulnerable.

I have to say that there has been a proliferation of payday loans and other businesses in this industry coming into my own riding in Etobicoke. They target poorer areas, areas that are underserved by our bank branches and those who, unfortunately, are living paycheque to paycheque, those who are financially illiterate, those who have no other means of securing credit, those who have no savings, no investment and who are desperate consumers: the low-income and the vulnerable. I guess what I'd like to talk about is what we can do as legislators.

I asked for a section of the Criminal Code today and I pulled out section 347. It's not user-friendly, if you're going to read it, so I won't share the wording with all of us here in the Legislature. But at its heart, it is a section which is expected to capture an interest rate as being illegal if it is over 60%. What we have to ensure is that those individuals who are using the services are educated. So what can we do?

We are examining regulations, as the consumer affairs minister has said. We can also, as the Premier has committed, speak to the financial sector to step in and service the areas and service the needs in our communities for those individuals who need their cheques to be cashed. When we spoke to individuals in Etobicoke, we found out that many individuals in fact were not aware that they could go to a chartered bank to do that.

We need to educate for the wise use of credit. We need to follow some of the jurisdictions in the US who have clamped down on this sector, who have regulated this sector, and also to help those individuals in our community who are caught in this cycle. As someone who has litigated bank contracts in the past, there is a lot of information in those bank contracts which is not necessarily easy to read or user-friendly. We need to

make sure, at the very least, that it is absolutely crystal clear what the annualized and effective interest rate is—no hidden costs, no additional charges—and to make sure that those who are not abiding by the law are being prosecuted.

As advocates in each of our communities, it is our job and our opportunity today to give a voice to those who cannot be heard. I know that we've had some individuals say, "Well, there are very few complaints about this sector." Perhaps we should look at the fact that there are very few complaints about the sector because of who the individuals are who are being caught and who are vulnerable as a result of this sector.

I'm proud to stand in the Legislature today to be a voice for those people in Etobicoke-Lakeshore and across the province who don't have a strong voice, to be an advocate on their behalf and to say, "We here in this Legislature are watching out. We want to do what we can to make sure that this sector abides by the law and that you are protected and not vulnerable."

The Deputy Speaker: The member for London North Centre, you have two minutes to reply.

Ms Matthews: I have to say I'm delighted with the expression of support from all parties in the House. I would like to thank the members who took the time to prepare and speak to us today. The member from Barrie-Simcoe-Bradford and the member from Cambridge expressed their wholehearted support and reinforced a call for action now. The member from Beaches-East York made an impassioned plea, offered very specific advice on what needs to be done immediately and reminded us of the gentleman who was with us in the House earlier this week.

My colleague from Ancaster-Dundas-Flamborough-Aldershot reminded us that the role of government is to protect the common good and to protect consumers. This is something we're hired to do, so let's do our job. His reference to going upstream and finding out who is causing the problems is something we should keep in mind. The member from Glengarry-Prescott-Russell—I appreciated his undercover work on Yonge Street, even though he failed, I suppose: He had to go on the Internet to find out what was going on in this industry. I also appreciate his reference to the London Knights. Thank you very much.

The member from Etobicoke-Lakeshore recalled that this issue came up at a meeting we had in her riding. I appreciate her constructive comments on what steps need to be taken.

The government has taken steps on this, and they're important steps. We need to do more. I appreciate the support of the House on this.

The Deputy Speaker: The time provided for private members' public business has expired.

ELECTORAL DISTRICTS

The Deputy Speaker (Mr Bruce Crozier): We'll first deal with ballot item number 47. Mr Hampton has moved private member's notice of motion number 37.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We'll deal with this after the next item.

CONSUMER PROTECTION

The Deputy Speaker (Mr Bruce Crozier): We shall now deal with ballot item number 48, standing in the name of Ms Matthews. She has moved private member's notice of motion number 33.

Is it the pleasure of the House that the motion carry?
Carried.

ELECTORAL DISTRICTS

The Deputy Speaker (Mr Bruce Crozier): We shall now deal with ballot item 47. Call in the members. This will be a five-minute bell.

The division bells rang from 1200 to 1205.

The Deputy Speaker: All those in favour will please rise and be recognized by the Clerk.

Ayes

Amott, Ted
Berardinetti, Lorenzo
Bisson, Gilles
Bradley, James J.
Brotten, Laurel C.
Brown, Michael A.
Brownell, Jim
Bryant, Michael
Cansfield, Donna H.
Caplan, David
Churley, Marilyn
Colle, Mike
Craitor, Kim
Delaney, Bob
Dhillon, Vic
Di Cocco, Caroline
Duguid, Brad

Flynn, Kevin Daniel
Fonseca, Peter
Gravelle, Michael
Hampton, Howard
Hardeman, Ernie
Hoy, Pat
Hudak, Tim
Jeffrey, Linda
Kormos, Peter
Kular, Kuldip
Lalonde, Jean-Marc
Levac, Dave
Martel, Shelley
Matthews, Deborah
Mauro, Bill
McMeekin, Ted
Miller, Norm

Milloy, John
Mitchell, Carol
Mossop, Jennifer F.
O'Toole, John
Patten, Richard
Prue, Michael
Pupatello, Sandra
Qaadri, Shafiq
Racco, Mario
Ruprecht, Tony
Scott, Laurie
Smith, Monique
Tascona, Joseph N.
Van Bommel, Maria
Wilkinson, John
Wynne, Kathleen O.

The Deputy Speaker: All those opposed will please rise and be recognized by the Clerk.

Nays

Martiniuk, Gerry

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 50; the nays are 1.

The Deputy Speaker: I declare the motion carried.

All matters relating to private members' public business having now been dealt with, I do leave the chair, and the House will resume at 1:30 of the clock.

The House recessed from 1207 until 1330.

MEMBERS' STATEMENTS

NEWCASTLE STARS

Mr John O'Toole (Durham): I want to pay tribute to the hockey superstars that made Durham region proud. On December 5, the Newcastle Stars novice rep hockey team won the prestigious Silver Stick tournament in Wasaga Beach against the hometown opposition by 4 to 0. Because of their win, the team will travel to Michigan in the new year to compete in the International Silver Stick tournament. I'd like to congratulate the players: Marc Ouellet, Ryan Taylor, Ben Choiniere, Joshua Turner, Connor Sikma, Dylan Owen, John Wood, Thomas McHardy, Hayden McCool, Jacob Vanhaverbeke, Adam Young and Brent Sikma.

Also, this morning I received a leaked confidential memo from Team Santa headquarters in the North Pole, outlining who has been naughty and who has been nice. While the Newcastle Stars are on Santa's list—they've been nice, of course—it's my dubious distinction to inform the Minister of Energy that he is on the naughty list.

The minister awarded a fat power generation contract to his friend Mike Crawley, the Ontario president of the Liberal Party of Canada, then flip-flopped on his promise to shut down all coal-fired generation stations by 2007. Now he has been saying that they're going to keep the plants on-line "just in case." Another broken promise.

Merry Christmas, Mr Speaker, to you and to all members of the House, and specifically to the Minister of Energy. Santa has advised me to place a piece of coal in his stocking for Christmas. Keep careful watch, I'd advise the minister, because he's going to need this piece of coal to keep the lights on in the province of Ontario. Here is the piece of coal for the Minister of Energy. I'll ask one of the pages to take it over to his desk.

CLARE LEWIS

Mrs Linda Jeffrey (Brampton Centre): I'm happy to stand in the House today to recognize the long and outstanding career of Mr Clare Lewis, the fifth Ombudsman of Ontario. Today will be the last day that Mr Lewis will serve as Ombudsman while this House is sitting.

Mr Lewis was appointed Ontario Ombudsman in January 2000. Since then, he has used his extensive legal background from his previous role as a lawyer, prosecutor and judge to resolve complaints with the Ontario government. Over the last four years, Mr Lewis has been an important advocate for patients in psychiatric hospitals, seniors, children with disabilities and many others. Mr Lewis has been an important voice for those who are often left voiceless.

Mr Lewis has also raised the profile of his office, and is not only recognized here in Ontario but is recognized around the world. In October 2002, Mr Lewis was elected president of the International Ombudsman Insti-

tute. Mr Lewis has been an important ambassador for Ontario and a representative for fairness internationally.

Mr Lewis once said, "My job is to lift the veil on government work and act as a buffer between the government and Ontarians."

Mr Lewis has left some very big shoes to fill and he has set the standard for fairness and accountability. For four years, he has served as the conscience for our government, and I would like to say thank you: Thank you for your service, thank you for your guidance and thank you for your integrity.

AUTOMOBILE INSURANCE

Mr Jim Flaherty (Whitby-Ajax): I too, on behalf of our party, congratulate Mr Lewis.

I rise today to talk about broken promises and, more specifically, broken Liberal promise number 162: "We will require public hearings for all major legislation."

We recently learned that the government wrote to concerned stakeholders with respect to proposed changes to the DAC system in automobile insurance in Ontario; that's the designated assessment centre system. They want to eliminate it without public consultation. Further, they will not even be consulting the members of this Legislature. A change of this magnitude should take place by way of legislation, not by regulation, as they have proposed, and with full consultation.

Indeed, on October 4 in estimates committee, I asked the Minister of Finance whether he would be consulting and he said, "We will make sure we have the considered opinion of the members of the Legislature as we bring forward our next package of reforms."

The opinion is that we need to have some time to consult on this proposed change in the regulations. They affect automobile drivers across the province of Ontario. The proposed deadline for consultations is January 7, which, as you know, is over the Christmas holiday season and is totally inadequate for those concerned about the issue in Ontario who want the time to have their say during the course of the consultations. I commend extended consultations to the members opposite and to the minister.

JUSTICES OF THE PEACE

Mr Peter Kormos (Niagara Centre): The government of Ontario downloaded responsibility for administering provincial offences courts in the prosecution of large numbers of provincial offences on to municipalities, but of course it's the province and the Attorney General who retain the power and responsibility for the integrity of the administration of justice, and for the appointments of justices of the peace to staff those courts that are being administered by municipalities.

This government, the Dalton McGuinty Liberals, have remained heedless to the urgent call by municipality after municipality, particularly in the central east and central west regions—central west includes, of course, the

regional municipality of Niagara. This government has refused to heed the call of those municipalities for an immediate appointment of new justices of the peace so that these courts can be staffed and operated.

Closing provincial offences courts because justices of the peace are not available brings the administration of justice into disrepute, and it threatens the ability to prosecute offences due to institutional delay. The problem is immediate, urgent and capable of swift resolution. The crisis this government is going to create once again in courts in this province is going to have untold consequences if this government doesn't move promptly and start appointing justices of the peace, if this government doesn't accept its responsibility and fulfill its part of the bargain with those municipalities.

BLUE LIGHT PROGRAM

Mr Kim Craiton (Niagara Falls): I rise to bring to this House's attention a very important initiative by some of my members in the riding of Niagara Falls called the Blue Light program. This program asks residents to put blue lights in their Christmas holiday windows and tie blue ribbons on their car antennas to show support for law enforcement officers who have given their lives in the line of duty and for those who continue to work for the safety of their community.

The program needs to shine brightly with the Christmas spirit and has been doing so in Niagara Falls since 1998. A committee headed by Yvonne Zanussi and Robin Agenta promotes this bright blue idea. The committee owns a mascot that takes part in the annual Niagara Falls Santa Claus parade. During the parade, supporters hand out candy and blue light bulbs to further this memorial project.

Supported by community service clubs like the Chippawa Lions Club, and business communities such as Star Warning Systems, they provide candles for people to shine their blue bulbs in. The idea is to have one significant blue light, and not just one on a string, to recognize fallen officers.

This year the Blue Light Committee in Niagara sent candles to stations across Canada to ask them to shine their lights. We hope this will continue throughout Ontario and across Canada, and we ask the House to recognize those who are involved in it.

GOVERNMENT'S RECORD

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): Here we are on the last day of the session, and I just felt I had to respond to the government House leader's glowing assessment of the McGuinty government's performance.

Yes, it's been quite a performance, but not in a positive way. It's been a time of broken promises and sheer incompetence: a government that jeopardized the privacy of 27,000 individuals because they couldn't do a mail-out properly; a government that declared war on

doctors and hospitals, leaving doctors shaking their heads at the absolutely unbelievable inconsistency in the government's approach: "We'll impose. We'll negotiate. Take it or leave it. Let's talk."

The question is: What's next? They've left hospitals wondering how they're going to continue to operate. They've tried to ram through a poorly conceived piece of greenbelt legislation without proper public hearings or input. They've tried to muddy the waters by pushing through bills of little consequence, while ignoring the real issues and continuing to break promise after promise. It's a government that wants to take your money and be your nanny.

I fear some stockings this year will have little more in them than a note saying, "Sorry, I spent it on the McGuinty broken promise, punishing health tax."

Having said all that, I still move that there be no suppression of joy and happiness this Christmas.

1340

HEALTH CARE

Ms Laurel C. Broten (Etobicoke-Lakeshore): Ontario patients have told us that wait times for common procedures have been unacceptably long, and we have listened. From my visits to organizations and health facilities in my riding of Etobicoke-Lakeshore, I understand that protecting the health of Ontarians is essential, and this government will continue to work to transform health care to reflect these values.

This Tuesday, I had the pleasure of visiting the Trillium Health Centre with Minister Smitherman, along with my Etobicoke colleagues, to deliver the great news that our government is tackling wait times in the health care system by delivering 5,380 more cancer, cataract and hip-and-knee replacement surgeries in Etobicoke. Our wait-time strategy will provide people with better, faster access to critical medical services. This will ease pain, reduce suffering and ultimately save lives.

This is not the only good news in Etobicoke-Lakeshore these days. I campaigned to advocate for greater funding and expansion of services at the two amazing community health centres in my riding, LAMP and Stonegate Community Health Centre. I advocated and fought for increased services because after 10 years of Tory neglect, the people of Etobicoke couldn't stand any more cutbacks, hypocrisy or phantom announcements. Etobicoke demanded change, and we've delivered.

Last month, I had the pleasure to announce \$955,000 in new dollars for front-line health care services, and an expansion of both the LAMP and Stonegate services across Etobicoke and Mississauga. We are building healthier communities right across Ontario because we are committed to the people of Ontario.

LEADER OF THE PROGRESSIVE CONSERVATIVE PARTY

Mr John Wilkinson (Perth-Middlesex): I've got a question for the members opposite, to my right—actually

to my far right: Where is Mr Tory? Where's Waldo? Where is the peekaboo member from west lobby? Because he's not here. He hasn't been in the House for the last three months.

On Monday, he said he'd be here. He said he'd give us hell. Well, where the heck is he? As far as I can tell, he has only shown up here once this week, and you know why he showed up? Just so he could say, "Well, nothing's changed. I'm still not running for a seat, and I still won't be around."

When the peekaboo member from west lobby won the leadership, Ernie Eves said, "We'll see what the leader wants me to do. I've always done what the leader has asked me to do." But today John Tory said that he in fact has no control over Ernie Eves and when he leaves.

No control—exactly, Mr Speaker. The peekaboo member from west lobby has no control over his own agenda, no control over his own caucus and no control over any hope of ever getting a seat in this Legislature. While it only took Ernie Eves 12 days to find a seat, it appears that the peekaboo member from west lobby has hardly started to look. I'd like to remind him that Mr Eves's seat is usually empty, and it's getting cold because, Lord knows, Ernie hasn't been keeping it warm.

John Tory, you said today that you'd be here by March 29—of no particular year. We eagerly look forward to whichever year that is.

GOVERNMENT'S RECORD

Mr Brad Duguid (Scarborough Centre): This has been a tremendous session for this government. As we go back to our ridings now to enjoy the Christmas break, we're finding that time and time again, when we speak to people, they tell us that, yes, we've had to make some tough decisions and we did make those tough decisions.

Now we're moving on to make improvements in health care, as was announced just this week. People are going to notice a difference now when they are waiting in line for these procedures. People are going to notice a difference when they are looking for cataract surgery. People are going to notice a difference when they are waiting in line for cancer treatment. People are going to notice a difference when they are waiting in line for cardiac treatment, for MRIs and joint replacements.

People are noticing a difference already in their schools, where they're seeing their classes get smaller, where they're seeing the commitments that we made time after time coming forward to fruition. They're seeing their schools being fixed up. The leaky roofs and all the problems we've seen in the schools before are being improved.

A difference is being made in this province; there's no question about it. I'm proud of this last little session of Parliament we've had here. I think all of us on this side of the House are proud. We've turned the corner in Ontario. We've got great things to come for next year:

2005 will be a spectacular year here in Ontario. These changes are going to continue.

We are delivering a province that is stronger. We are delivering a province where people will be much better off than they were over the last number of years.

Hon Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr Speaker: I just want to acknowledge with gratitude the gift sent to me for Christmas from the member for Durham, Mr O'Toole: a lump of coal. I did want to point out that it's not in fact coal; it's charcoal. More Tory misadvertisment.

The Speaker (Hon Alvin Curling): That's not a point of order.

Mr Rosario Marchese (Trinity-Spadina): Mr Speaker, I seek unanimous consent to proceed with the order for third reading of Bill 60, An Act to amend the Ontario Heritage Act, 2004.

The Speaker: Do we have unanimous consent? I heard a no.

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

The Speaker (Hon Alvin Curling): I beg to inform the House that I have today laid upon the table the special report of the Information and Privacy Commissioner on the disclosure of personal information by the Shared Services Bureau of the Management Board Secretariat and the Ministry of Finance.

INTRODUCTION OF BILLS

CORPORATIONS TAX AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR L'IMPOSITION DES SOCIÉTÉS

Mr O'Toole moved first reading of the following bill:

Bill 166, An Act to amend the Corporations Tax Act /
Projet de loi 166, Loi modifiant la Loi sur l'imposition
des sociétés.

The Speaker (Hon Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr John O'Toole (Durham): The export film sector and others in Ontario's film and TV industry are in a crisis; they are jobs of some 50,000 Ontario citizens. The bill amends the Corporations Tax Act to increase the amount of Ontario film and television tax credits for a qualified production company for 20% to 33% of the company's qualifying labour expenditures. It also expands the tax credit to cover 40% of the company's qualified labour expenditures in the case of feature films. This is not the first time productions have been disappointed by the current government.

EDUCATION AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI
SUR L'ÉDUCATION

Mr Kennedy moved first reading of the following bill:
Bill 167, An Act to amend the Education Act / Projet
de loi 167, Loi modifiant la Loi sur l'éducation.

The Speaker (Hon Alvin Curling): Is it the pleasure
of the House that the motion carry?

All those in favour, please say "aye."

All against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1349 to 1354.

The Speaker: All those in favour, please rise one at a
time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Duguid, Brad | Oraziotti, David |
| Bartolucci, Rick | Duncan, Dwight | Parsons, Ernie |
| Bentley, Christopher | Fonseca, Peter | Peters, Steve |
| Berardinetti, Lorenzo | Gerretsen, John | Phillips, Gerry |
| Bountrogianni, Marie | Gravelle, Michael | Pupatello, Sandra |
| Bradley, James J. | Hoy, Pat | Qaadri, Shafiq |
| Broten, Laurel C. | Jeffrey, Linda | Racco, Mario G. |
| Bryant, Michael | Kennedy, Gerard | Rinaldi, Lou |
| Cansfield, Donna H. | Kular, Kuldeep | Ruprecht, Tony |
| Caplan, David | Lalonde, Jean-Marc | Sergio, Mario |
| Chambers, Mary Anne V. | Levac, Dave | Smith, Monique |
| Colle, Mike | Marsales, Judy | Sorbara, Gregory S. |
| Cordiano, Joseph | Matthews, Deborah | Van Bommel, Maria |
| Craitor, Kim | Mauro, Bill | Watson, Jim |
| Crozier, Bruce | McNeely, Phil | Wilkinson, John |
| Delaney, Bob | Meilleur, Madeleine | Wong, Tony C. |
| Dhillon, Vic | Milloy, John | Zimmer, David |
| Dombrowsky, Leona | Mossop, Jennifer F. | |

The Speaker: All those against, please rise one at a
time and be recognized by the Clerk.

Nays

| | | |
|------------------|---------------------|---------------------|
| Baird, John R. | Kormos, Peter | Prue, Michael |
| Bisson, Gilles | Marchese, Rosario | Runciman, Robert W. |
| Chudleigh, Ted | Martel, Shelley | Scott, Laurie |
| Churley, Marilyn | Miller, Norm | Tascona, Joseph N. |
| Hardeman, Ernie | Murdoch, Bill | Wilson, Jim |
| Jackson, Cameron | O'Toole, John | Yakubuski, John |
| Klees, Frank | Ouellette, Jerry J. | |

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 53; the nays are 20.

The Speaker: I declare the motion carried.

Mr Frank Klees (Oak Ridges): Mr Speaker, on a
point of order.

The Speaker: On a point of order, the member for
Oak Ridges.

Mr Frank Klees (Oak Ridges): Speaker, I rise on a
point of privilege pursuant to standing order 21. This
legislation that was tabled for first reading today—

Interjections.

The Speaker: I'm hearing the point of order from the
member here. Order.

Interjections.

The Speaker: Order. There's a point of order on the
floor.

Interjection: No, there's a point of privilege on the
floor.

The Speaker: Did you say a point of order or a point
of privilege?

Mr Klees: Point of privilege.

Speaker, I thank you. I'm rising on this point of
privilege because, as a member of this Legislature, I am
highly offended by the actions of the Minister of Edu-
cation today.

Yesterday during question period, I raised the issue
that the Minister of Education, on November 29, issued a
four-page letter to boards and directors across this
province instructing them to negotiate four-year contracts
with teachers. On that same day, I find out today, the
same Minister of Education issued a letter to the Ontario
Secondary School Teachers' Federation local bargaining
units asking them, instructing them, to effectively do the
same thing. Today we have this Minister of Education
tabling a piece of enabling legislation—

Interjections.

1400

The Speaker: I'd like to hear the point of privilege.
I'm hearing a lot of discussion on the government side.
Could I have a moment to listen to the point of privilege
coming out of the statement made by the minister on the
bill?

Mr Klees: Speaker, thank you.

Today we have the Minister of Education tabling for
first reading in this House amendments to the Education
Act that would allow him to do what he instructed boards
to do on November 29. There are two concerns that I
have. First, that by tabling this legislation today and
having written to boards, and also interfering with the
collective bargaining process with the OSSTF, this
minister has presumed that we in this House will in fact
pass this legislation. I suggest that is contempt for the
House. Every member in this place should reserve the
right, first, to see the legislation, second, to have an
opportunity to debate it, and third, certainly to have an
opportunity to vote on it before the minister of the crown
issues his directives to bargaining units across this pro-
vince to boards of education and to directors of education.
This is a gross interference with the rights and privileges
of myself as a member of the Legislature and, I suggest,
of every member of this Legislature.

I ask, Speaker, that this minister be found in contempt
of the Legislature, and at the very least that he be asked
to withdraw the letter that he sent to the boards and to the
directors, and that he be asked to withdraw the letters that
he sent to the OSSTF, which essentially are interfering
with the collective bargaining process that is traditionally
the right of collective agreements in this province.

The Speaker: Let me just respond to the member for
Oak Ridges. I have not seen the bill; I do not know what
is the content of the bill until it has been printed and
distributed. There's no prima facie case of privilege that I
can see arising out of this unless I can see the content.
Maybe you can file the proper papers and tell me

specifically what part of the bill is in contempt, and then I can proceed with that.

Mr Klees: I appreciate your response. I will in fact file the appropriate documentation. I would ask that you give very serious consideration to the actions of the minister that have arisen from this, what I contend is a major affront to every member of the Legislature.

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): On a point of order, Speaker—

The Speaker: Order. One second. The bill has been voted on. I'm going to ask the Minister of Education to make a comment.

Hon Gerard Kennedy (Minister of Education): The bill introduced today simply amends the terms from three years to two to four years for collective agreements, as we wrote to school boards our intention to do so, to bring about this legislation to have that effect. It is technical in nature. The only other aspect of the bill is that it also gives certainty, in the absence of conformance, on what would happen to the terms of other contracts. That's the content of the bill, and I'm happy to rise and explain it in this House.

CORRECTION OF RECORD

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): On a point of order, Mr Speaker: I would like to clarify the remarks I provided to the House in response to a question from the member from Beaches-East York yesterday, wherein I stated that I had not received the resolution from the city of Kawartha Lakes on the issue of municipal restructuring.

The fact is, a letter from Mayor Barbara Kelly of Kawartha Lakes was received by my ministry approximately three weeks ago. It was brought to my attention following yesterday's question period that the letter was under review by my ministry and staff. I've responded to her letter today and my office has been in contact with Mayor Kelly to clarify any misunderstanding that my remarks yesterday may have created.

VISITORS

Mr Norm Miller (Parry Sound-Muskoka): On a point of order, Mr Speaker: I would like to introduce Danika Hawthorne's relatives who are here visiting: an uncle from the Cayman Islands, Kyle Broadhurst, an aunt from British Columbia, Debra Broadhurst, and friend Nipkonnie Rice. They are in the gallery.

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): On a point of order, Mr Speaker: On a matter of a question raised in the House yesterday regarding the member from Burlington, where he was discussing a family and the reduction of benefits, I'd just like to report that we are following up with this family and are hoping

the family will be able to provide the documentation required, which has been lacking on that file.

The Speaker (Hon Alvin Curling): That's not a point of order.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: Today, Anthony Palmieri, the long-serving parking superintendent, is retiring. After all these years of service, I hope the House would congratulate him and wish him well in his retirement.

The Speaker: Maybe it's time for me to make a statement too. Over this session, many members have gotten up on points of order to introduce visitors in the House. I would much prefer that those messages come to the Speaker, and I will do the introductions if they are appropriate to introduce. It is getting a bit out of hand here.

STATEMENTS BY THE MINISTRY AND RESPONSES

DISCLOSURE OF CONFIDENTIAL INFORMATION

Hon Gerry Phillips (Chair of the Management Board of Cabinet): I rise to address the honourable members on the government's response to the Information and Privacy Commissioner's recommendations arising from the investigation into the recent disclosure of personal information of some recipients of the Ontario child care supplement.

As members of the assembly know, the disclosure of personal information occurred on the counterfoil of cheques as a result of human error during a computer software upgrade. These cheques, dated November 30, were mailed to recipients and were part of a run of approximately 27,000.

First, on behalf of the government, I would like to repeat our sincere apologies to those recipients whose personal privacy has been breached.

I would like to inform the public and members of this House that the government co-operated fully with Information and Privacy Commissioner Ann Cavoukian throughout this process. In a report tabled today, the privacy commissioner made three recommendations and set out timetables for action. I want to inform the House that we are acting on all three of these recommendations immediately, in addition to taking other actions to strengthen the protection of individuals' personal information.

The privacy commissioner has recommended a comprehensive, independent and what she calls an "end-to-end audit" of all shared services bureau functions, operations and privacy practices. I am pleased to inform the House that we have engaged Deloitte and Touche to conduct this review.

She also recommended that the Management Board Secretariat and the Ministry of Finance discontinue the

practice of using social insurance numbers and create a purpose-specific, unique identifier for each of the clients. The government has initiated work on an urgent basis to discontinue the practice of using SIN numbers, except on the limited occasions we are legally required to do so.

1410

The privacy commissioner also recommended that Management Board Secretariat ensure a trial print run and manual examination of the cheques be undertaken before full printing is commenced. I can assure the public that action has been taken and from now on that will be the case. In fact, the December 15 batch of the child care supplement cheques has already been distributed. They underwent a trial print run and were hand-checked for errors before being distributed.

In addition to implementing the privacy commissioner's recommendations, the government is going further. We are undertaking a number of additional measures.

First, on a high-priority basis, we will consider the feasibility of creating the position of chief privacy officer for the province of Ontario. This person would recommend how the government can strengthen its policies and practices to ensure the protection of personal information in all government operations.

We will also implement the results of our own internal audit that is currently underway. This internal review is expected to be completed early in the new year. Importantly, we will keep the Information and Privacy Commissioner advised of our progress on these fronts.

I would be remiss if I failed to inform the House of a new aspect to the privacy breach of November 30. The initial report, based on the best information at the time, indicated that the personal information of a single recipient was included on only one other cheque stub. Further investigation by the government has determined that that was true for virtually all of them, except seven individuals, who had their personal information issued to more than one person. In four of those cases, this information was mailed to two individuals. In the three remaining cases, individual information was sent to nine other people, another individual's information was sent to 20, and in a third case, the recipient's information was sent to 220 others.

I might add that, frankly, on the good news side of it, it was discovered that in the case of 1,220 individuals, only partial information was distributed to another individual. In all cases, the government is aware of who was mailed each individual's personal information, and the privacy commissioner was informed as soon as it was discovered.

A senior director from the Ministry of Finance has contacted the seven affected individuals to offer assistance and support, as well as the government's apologies. For the recipient whose information was shared with 220 others, we are offering special arrangements and will continue to do whatever is necessary to support and assist that individual.

While I am heartened that each incident was addressed quickly and appropriately, we can and we must do better. We will take all necessary steps to further strengthen the protection of the privacy of an individual's personal information that we use for government purposes. I want to give the people of Ontario this government's assurance that we take the protection of privacy extremely seriously. All major organizations that manage personal information are attempting to address privacy issues. We want to be leaders. We will take all the necessary steps to guard privacy and personal information.

RESEARCH AND DEVELOPMENT

Hon Joseph Cordiano (Minister of Economic Development and Trade): I'm pleased to rise in the House today to announce that our government will invest \$53.2 million to support 48 research projects at 17 Ontario institutions.

Ontario has a reputation for knowledge, innovation and invention. Our government is working hard with research institutions and industry to ensure that our reputation and our expertise continue to grow. That's why we are committed to funding research infrastructure, as well as the direct operating costs of research at Ontario institutions.

These diverse projects range from DNA and forensic science research, the Centre for Functional Genomics and Chemical Genetics, the Fuel Cell Research and Innovation Centre, to the impact of stressors on the ecosystems of the Great Lakes.

Projects such as these will build on our capacity for innovation and economic growth, health and environmental quality; strengthen our research capabilities; and encourage partnerships with the private sector. These projects will now move ahead in Ontario's world-class research institutions such as Lakehead University in Thunder Bay, Queen's University in Kingston, the University of Toronto, McMaster University in Hamilton, and the University of Western Ontario in London.

We are pulling out all the stops to strengthen our competitive position and increase our prosperity.

In October, at the Ontario Chamber of Commerce economic summit, Premier McGuinty announced \$300 million in support of research infrastructure. This is part of our government's four-year plan to invest \$1.8 billion to support scientific, technological and medical research and discovery in our universities, colleges, research hospitals and institutions. After all, the most valuable resource in the world today is a good idea or a new discovery, because good ideas and new discoveries develop into good, high-value jobs for Ontarians. Our government recognizes the important contributions that research makes to Ontario's economic growth. It helps us remain globally competitive, and it is a critical component in positioning our province as a leader in the innovation economy. This is the key to a brighter future for all Ontarians, and we'll make sure that Ontario becomes an even stronger and more prosperous province.

The Speaker (Hon Alvin Curling): Responses?

DISCLOSURE OF CONFIDENTIAL INFORMATION

Mr Robert W. Runciman (Leader of the Opposition):

At the outset, I want to compliment the privacy commissioner on her speedy investigation in response to this massive breach of the privacy act, the release to complete strangers of some 27,000 names, addresses and social insurance numbers. Her report is a damning commentary on the competence of the McGuinty government. At the conclusion of her report, the privacy commissioner makes three recommendations and sets out timelines for compliance. We have no difficulty whatsoever with those recommendations; however, they fall short of the information that should be provided.

On page 4 of the commissioner's report, she advises that despite her office's continued inquiries, the government has failed to provide an explanation as to why this massive breach took place. Also on page 4, the report describes an individual—"someone else"—as the responsible party for the second missed opportunity to catch this immense privacy trespass.

We believe the people of Ontario have a right to know why this happened, who the responsible persons were and the role of the ministers' offices in this matter. We urge the privacy commissioner to expand her list of requirements to incorporate these important issues.

Also, I would be remiss if I didn't comment on the government's failure to acknowledge that this enormous breach of privacy may constitute a criminal offence under the federal Income Tax Act. Yesterday, we witnessed a shameful abdication of responsibility on the part of the Attorney General when he refused to respond to questions dealing with a possible criminal offence by his government. Instead of respectful and responsible answers to serious questions, Her Majesty's loyal opposition was subjected to this Liberal government's stock stonewalling on issues of importance. It was another sad day in this assembly, an assembly that is supposed to be the people's place.

RESEARCH AND DEVELOPMENT

Mr Ted Chudleigh (Halton): It's a pleasure to see the minister stand in the House today. It's the first time we've heard from him since his press release of last November 23, and this is perhaps the first substantive thing he's done in almost a year. The last time we heard from him it was about the corporate welfare he was handing out to the Ford Motor Co of \$100 million, while the film industry in Toronto is in jeopardy of losing 55,000 jobs unless the proper tax incentives are put in place.

Minister, you have to get off this corporate welfare kick you're on, and you have to start creating a competitive jurisdiction that businesses across North America will flock to. With a competitive environment, businesses will come or expand, and jobs will follow. They'll flock to such places. If you don't create that

environment and get off the corporate welfare kick, those jobs are going to be exported to other jurisdictions across North America.

1420

Look what you have done in the year and a bit that you've been here. You've increased corporate taxes 28%. That's not friendly to business. You've got the largest tax increase in Ontario's history: in little more than a year, over \$7 billion of extra taxes coming out of people's pockets and flowing to the government. You've implemented health tax premiums that some companies are going to have to pay, and that is not creating an environment which is friendly to business. You've revamped labour laws, which has caused two of the largest retailers in Ontario, Wal-Mart and Costco, to indicate they will stop expanding in Ontario. Those are signals that things are not good in Ontario and that you should pay attention to those.

You've increased electricity costs for businesses in Ontario. One of the primary things that businesses look for is a source of energy, the cost of that energy and the competitiveness of that energy. You have let that competitiveness slip through your fingers.

Minister, it's a reflection of the smoking law that you brought in yesterday. You're ignoring the wants and needs of small business in Ontario, and that's destroying the competitive advantage that Ontario had for so many years, years in which we saw one million new jobs created in this province because those jobs came to businesses that were expanding in a competitive tax jurisdiction, something that you are ignoring completely in your term of office.

Interjections.

The Speaker (Hon Alvin Curling): Could I have the noise of the discussions lowered. Responses?

DISCLOSURE OF CONFIDENTIAL INFORMATION

Mr Michael Prue (Beaches-East York): I welcome the privacy commissioner's report. I think it has been timely and it is well said. For 27,000 people, though, their privacy and security of person has been compromised. For some of them, for most of them, and perhaps, I hope, for all of them, at least if their information ends up in the hands of an honest citizen, there will be no further consequences. But I'm very worried about those whose information ends up in the wrong hands.

Two of the recommendations that have been made—I'm glad to see that the minister has acted on them speedily. But the one that remains is the government use of social insurance numbers. For the life of me, I do not understand why this government or any government continues to use those identifiers. They are not necessary. Many people choose not to give those numbers out. However, for people like this, who are relying on child care supplements, the fact that they would not give it out would, I am sure, be tantamount to their not getting the

child care supplement. So they really have no choice. Now they are at risk for identity theft.

We know what the consequences are. Anyone who has ever been the subject of identity theft, or knows someone who has been, knows the consequences. Not only are tremendous amounts of money lost, not necessarily by the individuals but by banks and credit companies, but the more important thing is that someone who is subject to identity theft spends hours, sometimes hundreds of hours, trying to go through all the minutiae to clear out the wrongful charges. There are phone calls that follow after that, charging you and saying, "When are you going to pay up?" and calling you a deadbeat. There are the credit ratings and the whole problem of getting additional credit cards. I know all of these things because it happened to me.

I know that what might happen to the 27,000 people is of utmost concern. This government has to move very fast to stop the use of social insurance numbers. They are not intended for this purpose. You should do it right away. We welcome the privacy commissioner's report, and we trust that the government will move equally as fast on this third aspect as it did on the other two.

RESEARCH AND DEVELOPMENT

Mr Rosario Marchese (Trinity-Spadina): In response to the Minister of Economic Development, I want to quote the Provincial Auditor, who said the following:

"The Ontario Innovation Trust was set up through a trust agreement between the former Ministry of Energy, Science and Technology and a trust corporation without a business case justifying its creation.... the ministry did not implement the mandatory accountability controls to ensure that more than \$1 billion in public funding, provided or committed to the trust, is being spent for the purposes intended. The ministry receives virtually no information from the trust and does not have the required monitoring process in place to ensure compliance with the trust agreement. Therefore, neither the Legislature nor the ministry have any control over spending by the trust."

Given these problems, that trust was eliminated by the government and, in so doing, failed to deliver the \$53 million in funding to match the Canada Foundation for Innovation. So, mercifully, the government found a way to give the \$53 million, and we're happy that the minister has done so. Hopefully, the minister and this government will initiate more effective monitoring processes to avoid future criticism from the Provincial Auditor.

Speaking to transparency and accountability, I want to urge this minister to go to the Chair of Management Board and say to him, "We are spending two billion of public dollars that go directly to universities, yet they are not subject to the freedom of information legislation."

Interjection.

Mr Marchese: And given that this is so critical, why don't you, Joe Cordiano, Minister of Economic Development, step over to the other minister and say to him,

"Universities need scrutiny and they need to come under FOI legislation." Help us and help the minister to bring that about.

Mr Howard Hampton (Kenora-Rainy River): I thought that when the Minister of Economic Development and Trade was making an announcement today, we would really hear something. I read his announcement. He talks about the importance of research; he talks about the importance of encouraging partnership; he talks about the importance of innovation and economic growth.

I thought that just perhaps he was going to announce that the government has a plan for the Bombardier C series jet. After all, it's 2,500 assembly-line jobs, 2,500 supplier jobs, \$250 billion of ongoing economic activity, but once again it's another McGuinty government broken promise. No plan; no plan whatsoever. Just more talk. Where is the government's plan to attract the final assembly of the Bombardier C series jet?

DEFERRED VOTES

EXECUTIVE COUNCIL AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LE CONSEIL EXÉCUTIF

Deferred vote on the motion for third reading of Bill 17, An Act to amend the Executive Council Act / Projet de loi 17 Loi modifiant la Loi sur le conseil exécutif.

The Speaker (Hon Alvin Curling): Mr Bryant has moved third reading of Bill 17, An Act to amend the Executive Council Act.

Call in the members; this will be a five-minute bell.

The division bells rang from 1426 to 1431.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Flynn, Kevin Daniel | Peters, Steve |
| Bartolucci, Rick | Fonseca, Peter | Peterson, Jim |
| Bentley, Christopher | Gerretsen, John | Phillips, Gerry |
| Berardinetti, Lorenzo | Gravelle, Michael | Pupatello, Sandra |
| Bountrogianni, Marie | Hoy, Pat | Qadri, Shafiq |
| Bradley, James J. | Jeffrey, Linda | Racco, Mario G. |
| Broten, Laurel C. | Kennedy, Gerard | Ramsay, David |
| Brown, Michael A. | Kular, Kuldeep | Rinaldi, Lou |
| Bryant, Michael | Lalonde, Jean-Marc | Ruprecht, Tony |
| Cansfield, Donna H. | Levac, Dave | Sergio, Mario |
| Caplan, David | Marsales, Judy | Smith, Monique |
| Chambers, Mary Anne V. | Matthews, Deborah | Smitherman, George |
| Colle, Mike | Mauro, Bill | Sorbara, Gregory S. |
| Cordiano, Joseph | McGuinty, Dalton | Takhar, Harinder S. |
| Craiton, Kim | McMeekin, Ted | Van Bommel, Maria |
| Crozier, Bruce | McNeely, Phil | Watson, Jim |
| Delaney, Bob | Meilleur, Madeleine | Wilkinson, John |
| Dhillon, Vic | Millroy, John | Wong, Tony C. |
| Dombrowsky, Leona | Mossop, Jennifer F. | Wynne, Kathleen O. |
| Duguid, Brad | Oraziotti, David | Zimmer, David |
| Duncan, Dwight | Parsons, Ernie | |

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles
Churley, Marilyn
Hampton, Howard

Kormos, Peter
Marchese, Rosario
Martel, Shelley

Prue, Michael

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 62; the nays are 7.

The Speaker: I declare the motion carried.

Be it resolved that the bill be now passed and be entitled as in the motion.

**FISCAL TRANSPARENCY
AND ACCOUNTABILITY ACT, 2004**

**LOI DE 2004 SUR LA TRANSPARENCE
ET LA RESPONSABILITÉ FINANCIÈRES**

Deferred vote on the motion for third reading of Bill 84, An Act to provide for fiscal transparency and accountability / Projet de loi 84, Loi prévoyant la transparence et la responsabilité financières.

The Speaker (Hon Alvin Curling): Call in the members. There will be a five-minute bell.

The division bells rang from 1435 to 1440.

The Speaker: Mr Sorbara has moved third reading of Bill 84, An Act to provide for fiscal transparency and accountability.

All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne
Bartolucci, Rick
Bentley, Christopher
Berardinetti, Lorenzo
Bountrogianni, Marie
Bradley, James J.
Brotten, Laurel C.
Brown, Michael A.
Bryant, Michael
Cansfield, Donna H.
Caplan, David
Chambers, Mary Anne V.
Colle, Mike
Cordiano, Joseph
Craitor, Kim
Crozier, Bruce
Delaney, Bob
Dhillon, Vic
Dombrowsky, Leona
Duguid, Brad

Duncan, Dwight
Flynn, Kevin Daniel
Fonseca, Peter
Gerretsen, John
Gravelle, Michael
Hoy, Pat
Jeffrey, Linda
Kennedy, Gerard
Kular, Kuldeep
Lalonde, Jean-Marc
Levac, Dave
Marsales, Judy
Matthews, Deborah
Mauro, Bill
McGuinity, Dalton
McMeekin, Ted
Meilleur, Madeleine
Milloy, John
Mossop, Jennifer F.
Oraziotti, David

Parsons, Ernie
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Qaadri, Shafiq
Racco, Mario G.
Ramsay, David
Rinaldi, Lou
Ruprecht, Tony
Sergio, Mario
Smith, Monique
Smitherman, George
Sorbara, Gregory S.
Takharr, Harinder S.
Van Bommel, Maria
Watson, Jim
Wilkinson, John
Wong, Tony C.
Wynne, Kathleen O.
Zimmer, David

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

Baird, John R.
Bisson, Gilles
Chudleigh, Ted
Churley, Marilyn
Dunlop, Garfield
Flaherty, Jim
Hardeman, Ernie
Hudak, Tim

Klees, Frank
Kormos, Peter
Marchese, Rosario
Martel, Shelley
Miller, Norm
Munro, Julia
Murdoch, Bill
O'Toole, John

Ouellette, Jerry J.
Prue, Michael
Runciman, Robert W.
Sterling, Norman W.
Tascona, Joseph N.
Wilson, Jim
Witmer, Elizabeth
Yakubski, John

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 60; the nays are 24.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

MINISTRY BRIEFINGS

Mr Jim Flaherty (Whitby-Ajax): Mr Speaker, I rise, pursuant to standing order 21, on a point of privilege with respect to which I gave notice in writing earlier today. It has to do with the mandated tape recording by the Minister of Finance of briefings of me as the MPP for Whitby-Ajax and as the opposition critic in finance.

The facts are that my office requested a briefing with respect to Bill 149. We were told by the minister's office at finance that that could only happen on the condition that it be tape-recorded by staff at the Ministry of Finance. My staff went ahead and were briefed on that basis. Subsequently, I had occasion to go to a briefing on December 8, at which time I asked the counsel from the Ministry of Finance why the tape recorder was on the table—it was in this building in one of the boardrooms—and he advised that it was because of the political staff, specifically the MPP liaison for the Minister of Finance, Karim Bardeesy, who had this recording device on the table. It was a condition of being briefed that this tape recording device be used to tape what was said by the civil servants who were present as well as by me, as MPP and opposition critic, and the other people who were present in the room.

I consider that a breach of my privilege as a member, in fact, a breach of the collective privileges of the members of this Legislative Assembly that that would be done. As far as I know, there is no precedent for this. It has not been done by previous governments. It has not been done by political staff. I don't know whether it's being done to try to intimidate the opposition or whether it's being done to try to intimidate the members of the Ontario public service who provide these briefings. In either event, it's a very serious matter that I would ask you to address as a matter of privilege, Speaker. It is a serious issue.

My privilege as a member includes access to information, not because I'm a member but because I represent people in Ontario, and it's the people of Ontario who have the right to information from the executive branch of the government of Ontario. This includes, specifically, as critic for finance, information concerning bills brought forward by the Ministry of Finance. Access should not be conditional. It should not be the privilege of the minister to decide what the conditions will be with respect to briefings of members of this House. The Minister of Finance, as I've said, has made access conditional on tape recording what is said, and if there is no consent, then the briefing will not take place. The specific date was December 8, as I've already mentioned.

The authorities in this regard speak of the collective rights of members of this place and of the individual members. I'll just cite a few of the authorities. I think the

point is self-evident, but I will cite them to make it easy for you to consider.

Marleau and Montpetit talk about the privilege itself, quoting Erskine May: "Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively ... and by members of each House individually, without which they could not discharge their functions...."

My submission to you, sir, is that it is an impediment to me discharging my function as a member of this House and as opposition critic that I can have access impeded at the whim of the minister of the day in finance and that he would be permitted to impose conditions on people in this place.

The condition, in fact, being imposed is greater than that imposed on other people. We know that the Criminal Code itself has prohibitions with respect to tape recording and other interception of private communications in section 184.

The freedom-of-speech privilege is referred to by Marleau on page 51 as one of the privileges of members collectively and individually in this place. Marleau goes on on the same page to say, "The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where members have been obstructed in the performance of their duties."

This is a clear example of attempted obstruction and the imposition of unwarranted conditions by the Minister of Finance.

Marleau goes on on the same page: "The privileges of the Commons are designed to safeguard the rights of each and every elector. For example, the privilege of freedom of speech is secured to members not for their personal benefit, but to enable them to discharge their functions of representing their constituents...."

He goes on on the next page, quoting Erskine May again: The privileges that are enjoyed by Parliament "are enjoyed by individual members because the House cannot perform its functions without unimpeded use of the services of its members."

Again, Marleau himself says on the same page, page 52, "Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results."

1450

The historical perspective, the reason for this rule, is also referred to by Marleau on page 53, where he says, "In any case, these privileges were found to be necessary to protect the House and its members, not from the people, but from the power and interference of the king and the House of Lords." Today, they are represented by the executive council of the province of Ontario, of which the Minister of Finance is a member. We on the opposition side are clearly not members of the executive. We are members of this place, charged with representing our electors. We have the right, sir, to access to informa-

tion from the government unimpeded by arbitrary rules imposed by members of the executive council. I would ask you, Mr Speaker, to consider the issue of privilege and to consider directing that the House consider that unauthorized taping, surveillance or other similar monitoring of members, their staff or visitors to this Legislature is not tolerated, except in those instances where agreement already exists, such as scrums and, of course, Hansard as per the traditions of this House.

Mr Tim Hudak (Erie-Lincoln): I'd like to add to my colleague from Whitby-Ajax's point of privilege a circumstance that similarly befell my duties and those of my staff here in the assembly. I feel strongly that my rights as an honourable member have been violated, and my ability to do my job as a member of the opposition and to exercise my parliamentary duties and responsibilities has been threatened through unauthorized recording of briefings held with members or political staff.

What makes this case worse is that the government House leader's office was ultimately responsible for the violation of freedom of speech and intimidation of members, as all inquiries were directed to the government House leader's office. Therefore the government House leader, an officer of this very assembly, has established a dangerous precedent whereby the rights of all honourable members of this assembly have been threatened.

I'll lay out my arguments and precedent with the facts specific to my case; I won't repeat those of my colleague from Whitby-Ajax. I believe you will find that a *prima facie* case of breach of privilege has occurred. Mr Speaker, I will ask you to rule that a *prima facie* case of privilege has in fact occurred in these circumstances.

On Monday, December 6, I was to have a briefing from Ministry of Municipal Affairs and Housing staff on Bill 135 for myself and other members of our caucus and staff. On December 3, 2004, my executive assistant was informed by political staff from the office of the Minister of Municipal Affairs that the briefing was to be taped. I have no knowledge in my nine-plus years as a member of this assembly of ministers' offices or the House leader's office demanding that meetings with members of this assembly be taped.

My executive assistant contacted the minister's office and informed them that we did not approve of the meeting being taped. We then received a voice mail message from the minister's office staff informing us that this was standard practice and that the government House leader's executive assistant was the administrator of this practice. I note that the government House leader is an official officer of this Legislature and is therefore bound to comply with the rules and respect the traditions of the Legislative Assembly.

Upon receiving the voice message, my executive assistant contacted the government House leader's office, spoke with the executive assistant to the government House leader and was informed that this was standard practice. When he asked for examples of other tapings that had occurred, she provided two explicit examples: a

briefing with the member for Whitby-Ajax and a briefing with the member for Burlington.

By taping briefings, the government House leader effectively impedes our ability to ask open and honest questions for fear that the questions could be taken out of context, for example. It is an act to intimidate and obstruct an honourable member of the assembly from asking questions freely. I wonder if this tool of intimidation has been used not only on members of the assembly but the general public—taxpayers at large—as well.

I have tremendous respect for the work of our civil servants. Working in three different capacities as a member of the executive council, I enjoyed my time with them. I never would have contemplated ordering meetings with MPPs, of the government, of the opposition, in my time—I never would have contemplated ordering tapings of briefings. I believe this is also an effort to intimidate the civil service from giving fulsome responses to opposition members and to obstruct our duties as members.

As I said, this is a matter of privilege because it impedes our ability to serve as informed critics of the government, and therefore of our individual rights as honourable members, as it relates to exercising our parliamentary duties, and a breach of them.

On a reference, I'd like to duplicate the reference my colleague made to Marleau and Montpetit. Furthermore, from our own Legislative Assembly Act, paragraph 2, subsection 46(1) of the Legislative Assembly Act, it says, "Obstructing, threatening or attempting to force or intimidate a member of the assembly" serves as a breach.

I wanted to refer to one precedent, and it took place on February 20, 1984, where Speaker Francis on a prima facie case of breach of privilege, when a threat was made to withhold information to Mr Albert Cooper, the member of Peace River, for not fully co-operating with the department's request for advance knowledge of questions—a bit of background:

The opposition critic for Canada Post, the member for Peace River, alleged an official had been abusive from the department. "The official had complained that Mr Cooper's office had not cleared questions asked by" the member in the House or "the president's office and warned that if this was not done in the future, Mr Cooper could expect little co-operation from Canada Post. Mr Cooper argued," in his role as spokesman for the official opposition, "that this was an attempt to inhibit his freedom of speech, influence his actions in the House...."

As you may know, Mr Speaker, Speaker Francis found a prima facie case of privilege involving the intimidation. He stated, "A threat emanating from any government department or public corporation to withhold information or co-operation from a member of Parliament would undoubtedly hinder that member in the fulfillment of his or her parliamentary duties and therefore constitute a breach of privilege."

I argue that by demanding that taping take place of a briefing as standard practice is an implied threat that if

we didn't co-operate, it could be understood that that briefing and our access to knowledge would be cancelled.

Secondly, this involves the free exchange of information between civil servants and my role as the opposition critic on Bill 135.

Mr Speaker, you know full well that legislators have an implied duty to make good, well-informed decisions on how they will vote, how they will speak in the assembly, and how they will conduct their duties as members. Tapings of briefings as standard practice constitute an act to intimidate or obstruct us from fulfilling our duties. Ultimately, by impeding the ability of myself and my colleagues to serve as informed critics of matters before the assembly, it has violated our responsibility and, therefore, my individual right as an honourable member, as it relates to exercising my parliamentary duties, and there is a breach.

Mr Speaker, I ask you to rule that a prima facie case of breach of privilege has occurred.

Mr Cameron Jackson (Burlington): Mr Speaker, I too served notice to your office before noon today that, in accordance with section 21 of our standing orders, my privileges as a member have been breached, and the actions of the Liberal House leader and his government have also demonstrated contempt for this House.

The circumstances I wish to share with the members of the House vary somewhat with the depositions that have been read into the record by my colleagues before me. The matter in question occurred well in advance of the objectionable conduct being referenced by my colleagues from Erie-Lincoln and from Whitby-Ajax. The incident I wish to share with you, Mr Speaker, occurred on November 15 and was the subject of a briefing that the minister responsible for citizenship and immigration had called for and requested that I attend. For the record, that office called our whip's office and my office three times and insisted that there be a briefing from the ministry staff to myself prior to second reading debate on Bill 118, the disabilities act.

1500

What I found interesting, Mr Speaker, was that the staff insisted that this was a briefing for me, and for me alone, and that my caucus and any members of my caucus were specifically not invited. I found this very strange, having been a minister in a Parliament of Ontario and also having been in opposition for 10 and a half years. This was the first time I had ever heard of that.

Our reply was that we would like an explanation as to why only I was invited. They indicated that the civil servants were uncomfortable briefing MPPs. I am not convinced that that is a fair and factual statement to be made on behalf of public servants whose oath of service to this province includes fulfilling their responsibilities, which include briefings, whether requested by a member of this House or when directed, as in this instance, by the Minister of Citizenship.

What ensued at this meeting did not reveal itself to us for at least a month. What happened is that, unbeknownst to us, these proceedings were being secretly taped,

without the knowledge or the consent of the members who were present at that time. I consider this a grievous act. I consider this to be of the most serious nature. One of the reasons that it has taken us a while to respond to you, sir, is that we needed to ensure that all the individuals in that room could confirm that no one was ever informed or advised or had permission sought to have their conversation secretly taped, and therefore the surveillance equipment that was used by the minister's staff was not revealed to us.

The purpose of this meeting was solely to discuss the content of Bill 118, the disability act. During that period of time, I raised a significant number of questions, as I have a working knowledge of this legislation. I wish to report that, for some reason, the bureaucrats were unable to answer a significant number of those questions. The question now becomes, were they aware that they were being taped or were they not? This is an important issue, although it may not be a matter for your subsequent ruling, as to the issue—

Hon Greg Sorbara (Minister of Finance): Why are you bringing it up?

Mr Jackson: The Treasurer will know in a moment, because this has implications.

Mr Speaker, the fact of the matter is that we do not know at this point if the bureaucrats were aware that they themselves were, as well, being taped. This is an important point to share with you, because if the purpose of that was to intimidate or in any way offer up a future disciplinary action to a civil servant who was performing their duty, and in any way that inhibited the free flow of information, which all members of this House are entitled to under our House rules and as duly elected members of this Parliament, it should be upheld that we have access to that information. I am not sure at this point if those bureaucrats were aware that they were being taped or whether they were not aware of it. I think it's egregious in both counts, but it's more egregious if the civil servants involved had no knowledge that they were being secretly taped by, in this instance, their employer, the Ministry of Citizenship and Immigration. This demonstrates a pattern of contempt—

Mr John O'Toole (Durham): And disregard—

Mr Jackson: —and disregard for the rights and the access we have to information.

Simply, there is a pattern of contempt here for the open exchange of information to which I have a legislated right. My freedom of speech, my voice in Parliament, and, by extension, the voice of my constituents on the floor of this Legislature is predicated on my ability and my right to access information that the government is obliged under the law to share, and public servants take an oath in order to uphold that.

The purpose was to determine the substance and the content of disability legislation. However, what occurred was a clear pattern, as I say, of contempt for the manner in which information is transferred.

In my instance, I not only have order paper questions that have gone way past the time that they are required to

be in; as the Chair of estimates, we've asked ministers to report to the committee, and they have failed to do so. Now we have secret tapings of conversations that I'm having as a member with the public service of the province of Ontario and agents of the Minister of Citizenship for our province. We do not know—whatever purpose these secret tapes are going to be applied to, I find them objectionable and I find them disturbing. They can lend themselves to such abuse, because one party is in possession of what they set out as a documented transcript of a meeting when the party who could be harmed by it has not got the same access to that information.

Access to this information is a key issue and one that I raised yesterday in the House. This is the fourth example that I wish to bring to the Speaker's attention. Yesterday, the House leader approved a meeting of the social policy committee to deal with the issues around the very same Bill 118, dealing with the disabilities act. Yesterday, I shared with the committee, an all-party committee of this Legislature, my concerns with respect to the incident of secret tapings around this bill. This is the motion that I tabled, and I quote it for the record: "That the committee"—the social policy committee—"request that the tape recording and the transcript of the Ministry of Citizenship and Immigration briefing of the Conservative caucus on Bill 118 that occurred without notice or approval be immediately released to the member for Burlington."

I am saddened to report that the committee decided that this motion would fail, because it failed to receive the support of the Liberal members and therefore the majority of the members of the committee, and therefore was lost. So I was even impeded from my ability to acquire these documents that were taken without my approval and without my knowledge.

Finally, Mr Speaker, I wish to raise the most important issue of all, and that is the issue of a *prima facie* case of contempt for this House. As you know—

Interjections.

The Speaker (Hon Alvin Curling): A point of privilege is a very important point, one of the most—

Interjections.

The Speaker: Order. It's one of the most serious points that can be raised on this floor. There are an enormous number of different discussions going on. I'd ask members, if they want to have discussions, there are lobbies on each side where they can do that, so that I can hear the member very clearly.

The member from Burlington, do you want to continue?

Mr Jackson: Thank you very much, Mr Speaker. This brings me to the issue of contempt for this House. I wish to bring to the attention of the House—of course, it's already been referenced—the House of Commons Procedure and Practice edition. It talks about, "Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have

to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results.”

I read that into the record because I wish to share with you two other pieces of important information about this whole sordid affair on behalf of the government House leader and his conduct in this regard.

1510

It has come to my attention that within the last 10 months, a similar incident of taping of government officials, without their knowledge or consent, occurred within this Parliament. That incident occurred between the parties of the OPSEU union and the office of the Attorney General. When this matter finally was brought to light, the situation was such that the Attorney General's office received a legal opinion. That legal opinion was that the conduct of secretly taping without consent was not only offensive to the rights of the government, it was also offensive to the rights of a member of this House, namely, the Attorney General and his ministry.

I wish to enter into evidence, which I will provide to your office, a memorandum of agreement signed by this government's Attorney General's office, between the Attorney General, as employer, and the Ontario public service union, as the union.

I will read the one paragraph: “Without prejudice and without precedent”—and it's important to note that the word “precedent” here means that this may have been occurring previously by either the employer, the Ministry of the Attorney General, or the employee, OPSEU—“the parties hereby agree that all verbal communications in any forum, occurring between any OPSEU members and the employer cannot be taped or recorded, in any form, without the expressed written consent and agreement of all parties, except where required by law.”

Several issues flow from this important document signed by the Attorney General's office. The first is that there may be a breach of conduct by the government in accordance with this very agreement, because, as I have stated earlier, there were members of OPSEU in the room who may not have known that they were being taped. That is one of the concerns.

The second is that the Attorney General would have received legal opinions which would have supported the notion that the conduct in question is not only inappropriate but probably illegal. On that basis, and not only on that basis, this matter should be referred to you for examination as a matter of a *prima facie* case of contempt.

The document clearly states that this conduct should not occur, yet it is still occurring. It begs the question, why is the minister, the Attorney General, who, I might add, is responsible not only for democratic renewal for his government—which professes it will do that in an open fashion—he is also the minister responsible for the human rights commission and the minister responsible for protecting the rights of the citizens of this province. He took the initial step to ensure that he and his ministry were protected with this document from the conduct which his House leader, the Liberal government House

leader, was so liberal in performing behind the backs in a fashion that was unknown to the people who were affected, and certainly to myself.

Hidden surveillance equipment, without consent, so offends the authority and the dignity of any member that clear legal guidelines were contracted to protect the Attorney General's office, his ministry and his government. We asked that we be given the exact same treatment, and we were not. In fact, this speaks to the issue of whether or not the actions of the government were intentional, whether they were advertent, whether they were calculated and whether these were planned activities of the government when they had a legal opinion.

I'm closing off very quickly here, Mr Speaker, but I'm going to ask that you ask for the legal opinions from the Attorney General's office that were used for them to draft a contract, a document between the Attorney General's office and the OPSEU union—and we, as members, deserve treatment no less. I would like you to look at those legal opinions.

Finally, I wish to suggest that there is a violation of the rights of one member. The conduct of the government was clear in protecting the rights of one of their members, but when there is a case of contempt to one member, it is to all members of this House. I believe this is clearly a case where it has been calculated, it has been premeditated and it has been intentional in terms of denying me my rights and privileges as a member, but it has clearly shown contempt for the workings of this House.

I ask you, Speaker, to investigate this matter thoroughly and to report back to the House when you are ready with all the answers to the questions that have been raised. As I said, I will be more than pleased to share with you all the documentation I have rendered into the record today.

Mr Peter Kormos (Niagara Centre): I'm going to be brief, Mr Speaker, because you've already heard exhaustive reference to all the sources of authority, be it Erskine May, be it Marleau and Montpetit, be it Maingot. I want you to know that the New Democrats join with the official opposition in appealing to you to intervene to protect the rights and privileges of each one of this assembly's members as well as to defend the authority and dignity of this Legislature.

The member for Erie-Lincoln, in his submission to you, talked about how briefings are back-and-forth exchanges, that any one of us in the course of a briefing explores any number of options or considerations, or attempts to, with the bureaucratic civil servants who are there.

I want you to know, sir, that on December 10, a New Democratic Party caucus staff person, while attending a briefing around Bill 149, sponsored by the Minister of Finance, was advised by a political staff person of the Minister of Finance that he, that political staff person, would be tape-recording the briefing, and indeed the New Democratic Party caucus staff person believes that was done.

It's an incredible affront to the authority and dignity of this Parliament for there to be clandestine, surreptitious recording. It is an impediment to the member's ability to perform his or her function when there is the intrusive monitoring by political staff of a briefing by independent, non-partisan civil servants. We have an extremely professional, skilled civil service in this province who know full well what they can and cannot relate to an individual member in the course of a briefing. They do not need surveillance by political staffers during the course of those briefings.

I say to you, Speaker, that you must not only decide upon the outright contemptuousness of clandestine tape-recording but also upon the literal blackmail of overt recording, because of course the implication is that if you don't let us record this, there won't be a briefing. But I ask you to go one further; that is, I ask you to consider the propriety of compelling individual members to receive their briefings from professional civil servants while that briefing is being monitored by a political staff person.

There has become a sense of ownership of the civil service by the government of the day, and I say to you, sir, that that is an inappropriate conclusion. The civil servants belong to the people of Ontario and to every member of this assembly—every backbencher, every opposition member—as much as they belong to the minister to whom they are directly accountable in the performance of their job.

1520

I'm asking you to go beyond the obvious conclusions that I presume you'll reach with respect to clandestine taping. I'm asking you to consider the appropriateness of even overt taping with the clear messages that it expresses. And then I ask you to go one further, because in the context of this incredible series of revelations, the issue of the presence of political staffers, their *raison d'être*—are they there to report back to the minister about the questions that the opposition member put to the civil service? Are they there to survey, to supervise and to inform on civil servants who may not, in their view, have been as circumspect as they might be in response to questions? In either of those cases, I think the desirability of their presence, unless their presence is necessary for a full and thorough briefing, is very much put into question.

I'm asking you, sir, in your consideration of this and in your determination, to conclude that, amongst other things, access to the civil service is part of the privilege of every member of this assembly and does not depend upon the willingness of a minister or his political staff to provide access. They've got \$250-a-pop fundraisers to do that. We, as member of this Legislature, to perform our jobs, must have unfettered, open, unrestricted access and uncensored access to the civil service, but for their need to maintain confidence to the extent to which it encompasses the performance of their duties.

So I ask you to take these revelations incredibly seriously. You're being called upon to make a very import-

ant ruling that will have significant repercussions around the quality of policy development and the quality of work done in this Legislature.

Thank you kindly, Speaker, for your patience.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): On a point of order, Mr Speaker: A little change of pace here—

Interjections.

The Speaker: On the same point? The government House leader.

Hon Dwight Duncan (Minister of Energy, Government House Leader): Thank you, Mr Speaker. I wish to respond to the points raised by the members for Whitby-Ajax, Erie-Lincoln, Burlington and Niagara Centre.

First of all, I categorically reject that this is a breach of privilege or of contempt as outlined in Marleau and Montpetit.

Interjections.

The Speaker: Would you allow me to hear the government House leader. I think there was some co-operation when the points of privilege were being put forward.

Interjection.

The Speaker: Yes, I know. There are some others too who did not conform. But I would like to hear the government House leader.

Hon Mr Duncan: The official opposition would want to comment on briefings provided by ministers, because when they were the government, they consistently refused to do that.

Interjection: Over and over.

Hon Mr Duncan: Over and over again.

With respect to the obligations of the government in the House, we have met, in all the bills, all of the requirements of the standing orders. As I read Marleau and Montpetit, as I read the other authorities and indeed as I read the Speaker's decision of 1984 that was referenced by the member for Erie-Lincoln—that was a case that dealt with the restriction of information—in this case, the government has provided information well beyond what is required by the standing orders.

In the case of the issue raised by the member for Whitby-Ajax, I have an e-mail here that was sent to their caucus advising them that the conversations would be recorded. There was no objection raised to that. This was sent to their office, and they've raised the objections today. By contrast, on another bill, when a minister asked if it would be OK to tape—Mr Gerretsen—the opposition said no, and the tape recorders were turned off.

So the other thing I would like to say, the other response I would like to make to the member for Burlington, is that we categorically reject the accusation that anything was taped surreptitiously at the meeting he referenced. He has presented no evidence to that effect.

This government has provided a number of briefings. In fact, yesterday I noted with interest that the opposition House leader said as follows, and I quote from Hansard: "I would like at the outset to acknowledge ... the Minister of Health" and his "practice that other ministers should

follow,” which we do. “They actually brief you about the bill before he or she introduces it,” and we do that routinely. We have met all of the obligations under the standing orders, under the various authorities. There have been no surreptitious or clandestine tape recordings.

The privileges that were outlined by the members for Whitby-Ajax, Erie-Lincoln, Burlington and Niagara Centre were not violated. In fact, the government has exceeded the requirements of the standing orders on each occasion referenced. There were no secret tape recordings done of anyone, no evidence to that effect was produced, and none of the accusations, in our view, represent either a breach of the members’ privileges or a contempt of an individual member or of the Legislature as outlined in our standing orders and by the various authorities.

This government has been open in providing briefings to the opposition. We want to continue that practice and will continue that practice. That is beyond what is required in the standing orders. It is certainly beyond what the Harris-Eves government ever did with respect to legislation. We are providing briefings before introduction of legislation. We have made the public servants available to the opposition and to the third party to provide them in-depth briefings. Not only have we exceeded the standard; we’ve set the new standard in the context of what is appropriate and in what we believe is a fair and open manner.

None of the accusations raised by the member for Burlington are true. No evidence was provided to that effect. The context of these briefings, particularly in view of what’s gone on here in the last nine years, is a major extension of information and accessibility offered by this government.

I invite you, sir, to reject the allegation of privilege or violation of contempt, because in fact not only have we met the standards required by the standing orders, but this government in every instance has exceeded them, and exceeded them appropriately, not only without contempt, but in an attempt to allow the opposition to have more detailed understanding of legislation even before it’s introduced.

Hon Mr Sorbara: On the same point of privilege, Mr Speaker: I want simply to put a couple of points on the record to assist you in your deliberations. In fact, I’m responding to the allegations made by my friend from Whitby-Ajax.

If I could summarize the case he is trying to put before you suggesting that it’s a breach of privilege, my friend from Whitby-Ajax says he requested a briefing from the Ministry of Finance on a number of occasions. As I listened to his remarks, he referred to me personally and suggested to you that somehow I had insisted that the remarks be taped. To summarize the case, sir, he requested a briefing. Apparently the briefing was organized. An e-mail was just read into the record by my friend the government House leader saying that someone in my ministry advised my friend that the briefing would be taped.

That’s the story that he put on the record. Let me just see if I can complete the story.

My friend from Whitby-Ajax refers to the fact that I somehow had insisted that a briefing be taped. I want to tell you, sir, and I want you to hear this very clearly, this is the very first time that I have been made aware of this matter. It suggests to me that rather than the member for Whitby-Ajax simply picking up the phone or walking across the aisle and saying to me, “They want to tape the briefing. Do you mind if it’s not taped?” instead of putting that simple call or that simple question, my friend prefers to take up your time, the time of this House and the time of all of us on our last day of sitting to raise a spurious point of privilege which would never have arisen had he simply walked the 10 feet across this aisle and asked me about it. I resent and I regret that rather than raising the matter with me in a simple way, he would raise the matter in this Legislature.

The Speaker: On the same point, the member from Toronto-Danforth.

1530

Ms Marilyn Churley (Toronto-Danforth): Just very briefly, in my case, and I want people to hear me clearly. I do have a point here and it’s a little different, and I’m going to get to it. It’s related. I’ve been a member of this Legislature since 1990. I’ve served in cabinet and government and sat in opposition, and I’ve never seen such a breach of privacy in this place. I consider this to be Orwellian. I consider this to be totally beyond the pale—in fact, insidious—and it’s sending a chill down my spine.

Here’s what I want you to do, Mr Speaker. Given the seriousness of this matter and the tepid response from government members—that frightens me even more—I would ask you to also look at the possibility of an investigation into what has been happening in the cabinet offices of those members of the Liberal Party. I want to feel assured that when I go into a briefing or when my staff goes into a briefing, there are no secret tape recordings going on. The evidence, the information, the allegations that came before us today suggest to me that that is a possibility, and that concerns me greatly and should concern all members of this House. So for me, it goes way beyond the fact that we heard today that these things are taking place, either with the member’s permission or without it.

Mr Speaker, my request to you on this point of order is to conduct from your good offices an investigation within the ministries of the Liberal Party to find out just what is going on, what the policies are, whether they’re open or whether they’re behind closed doors, around the taping of conversations which I consider to be private. When I sit down with bureaucrats, even within government briefings, I may ask questions that might suggest to the government where I might be going in the House on this. There may be private information that is going on in a privileged way in that particular briefing.

This indeed is very serious, Mr Speaker, and I would appreciate it if you would consider investigating this entire matter.

The Speaker: The points have been extensive and I've listened very carefully. I hope the point that the member from Erie-Lincoln is going to make is going to add more, will be more helpful to me and has not been repeated before.

Mr Hudak: Absolutely, Mr Speaker. Thank you for your indulgence. I will be brief and I will add to the discussion.

Just to make sure the facts are correct with respect to the Ministry of Municipal Affairs and Housing briefing and the points the government House leader made: We had objected to the taping of the meeting. We were referred then to the House leader's office, who informed us it was a standard of practice. Despite our objections, taping in the meeting still took place. During the meeting, we strongly objected to the taping, our second objection, at which point the Minister of Municipal Affairs' staff did turn off the tape recorder.

I have high regard for the minister's staff. I've enjoyed working with them professionally. My issue is with the House leader and the office of the House leader, who have informed us that this is a standard of practice that I believe instructed the Ministry of Municipal Affairs staff to tape our briefings, despite our clear objections to the taping of this briefing with the civil service.

Second, while the government House leader says that what the member from Burlington said was not based on fact, it was indeed his own executive assistant in the office of the House leader who told us that the meeting with the member from Burlington was taped. His own office told us that the member for Burlington's meetings had been taped.

Mr Jackson: On a point of order, Mr Speaker: I failed to share with the House—I will be brief—the fact that in that briefing was also the member for Parry Sound-Muskoka and the member for Bruce-Grey. So there were actually three members of the Legislature in the room for the briefing that was taped.

I reject categorically what the Liberal House leader has stated, because it has now been put on the record that not only did Maria Papadopoulos confirm to us, but the only reason I would know that a tape and a transcript of that meeting exist is because the Liberals told us. They shouldn't have told us, but they did. Last night, at the committee hearing, Carol Price confirmed to me as well that they had a copy of it and that they were willing to share it with me. I just couldn't get the committee to agree with it, for the record.

Mr Gilles Bisson (Timmins-James Bay): Just very quickly, on a point that has not been raised on the comments by the government House leader, saying that the Conservatives had never given briefings, I want to say I attended many briefings by Conservative cabinet ministers and I was never taped.

Interjections.

The Speaker: Order. Member from St Catharines, I'd like to respond—and the member from Oak Ridges. Thank you.

I want to thank all members, especially the members from Burlington, Whitby-Ajax and Erie-Lincoln, who put it in writing and gave me notice that this was coming. I want to thank them very much, and also those who have made their contribution to this point of privilege.

I also want to say that, as we all know, a point of privilege is a very serious matter and I would like to reserve my decision and return to the House at a later date with my decision. Thank you.

Mr Robert W. Runciman (Leader of the Opposition): On a point of order, Mr Speaker: Given that today is the last opportunity for Her Majesty's loyal opposition to hold the government to account, I would ask for unanimous consent to provide the full hour of question period.

Interjections.

The Speaker: We have just finished a long discussion about decorum in the House, and now I'm going to put the question.

You have asked that you would like extension for the full hour of question period beyond 4 o'clock. Do we have unanimous consent? No.

ORAL QUESTIONS

MINISTRY BRIEFINGS

Mr Jim Flaherty (Whitby-Ajax): My question is for the Premier. Premier, although you were wandering around the chamber during the discussion of the point of privilege, it is a serious matter, and I ask this question of you in your capacity as president of the executive council responsible for ministerial responsibility in the province of Ontario. It's about the relationship between the Ontario public service, elected members of this place who are not members of the executive council, and interference by political staff; that is, staff hired by ministers, like the Minister of Finance, like the government House leader, like the Minister of Culture.

The point is this, Premier: Tape recording of briefings of members of this place by members of the Ontario public service has been taking place by political staff. Some people on that side of the House seem to think there's no problem with that, that intimidation is OK. What on earth could be the purpose of this, other than some kind of Nixonian problem with information flowing freely to members of this place by the Ontario public service? When did you find out about this, what are you going to do about it, and for what purpose did you authorize it?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Mr Speaker, the matter has just been brought to the attention of the House, a number of representations have been made to you, and I'm some-

what perplexed as to whether you are to be left to yourself when it comes to speaking to this matter, or whether the member opposite is now saying that the exercise you're about to undertake is purely academic in nature and of no particular relevance. It would seem to me, Mr Speaker, that the matter has been referred to you and we should give you the opportunity to speak to this.

The Speaker (Hon Alvin Curling): Supplementary.

Mr Tim Hudak (Erie-Lincoln): With all due respect, Premier, you're the leader of your party, you're the president of the executive council, you're the Premier of the province of Ontario. The buck, sir, stops with you. Don't tell me you're perplexed, standing in your place not sure what to do. Make the gut call. Is this right; is this wrong? This is an act of intimidation that is absolutely reprehensible. It's an act of intimidation that is sending a chilling effect throughout the civil service. Sir, you're the leader. Show some leadership. Make the call. Condemn this policy. Is it right or is it wrong?

1540

Hon Mr McGuinty: Nobody can muster instant indignation like the member opposite can.

Interjections.

The Speaker: Order. Could I have some order, please. Premier.

Hon Mr McGuinty: Let me make it clear—

Interjections.

The Speaker: There is a lot of emotion going around today. I would like us to be civil for the last few minutes so we can conduct our question period in a civil manner.

Premier.

Hon Mr McGuinty: At some risk of being in breach of your responsibilities, any authority that you're about to take on, I want to speak to this matter directly.

First of all, let me say it is somewhat unfortunate that nobody on that side picked up the phone at any particular point in time and raised this with me or members of my staff or other ministers. Let me say as well that we will not be taping any further briefings with members opposite.

Maybe it speaks to something that we might all want to give just a little bit of thought to over the coming holiday period, and that is, if there is a concern of this nature, rather than consuming so much House time, I recommend that you pick up the phone and that you speak with us and raise the matter with us directly.

Interjections.

The Speaker: I'd like to hear the supplementary. Final supplementary from the member for Burlington.

Mr Cameron Jackson (Burlington): Premier, the reason I didn't pick up the phone is because no one told me I was being taped. The reason I didn't pick up the phone to you is because I was picking up a phone to a lawyer to ask for the section of the Criminal Code, subsection 184(1), that prohibits the interception of private communication. An exception is where the originator or the recipient consents to that interception. That's why I didn't pick up the phone, because I thought this might have been a matter to send to the police.

Premier, I have read into the record a signed document. Your Attorney General has come over and asked me for the information, and I confirmed to him that a Valerie Neville in his ministry signed the document. My question to you is very simply this: If you, as Premier, support the conduct of your Attorney General to ensure the protection of the civil service and your member by signing a document prohibiting this conduct, do you not believe that all members of this House deserve to be treated in the same fashion?

Hon Mr McGuinty: My information was that the member opposite was not taped, just so we have some clarity injected into that matter. Secondly, I think I've made it perfectly clear we will no longer be taping our briefings.

The Speaker: New question.

Mr Robert W. Runciman (Leader of the Opposition): My question is to the Premier. It's a sad reflection with respect to this government's approach to Her Majesty's loyal opposition that during the questioning earlier from the member from Erie-Lincoln about a very serious issue in terms of secret tapings of members of Her Majesty's loyal opposition, the Premier could hardly control himself in terms of laughing. If he was sitting on this side of the House, he would be showing true indignation about this occurring. He gives words about believing in democratic reform, and here his government is responsible for secret tapings of members of the opposition. That should truly upset the Premier of the province.

I ask him today, what is he going to do about this, other than saying, "We will not do it any longer"? Will he make sure that he has a full investigation, cleans house and makes sure the people who are responsible for this pay a penalty?

Hon Mr McGuinty: Sometimes some people just don't want to take yes for an answer. I've given them the answer they were seeking. I think it is the right answer. We will not be taping these briefings.

The Speaker: Supplementary.

Mr Flaherty: Again, the question, Premier, that you have not answered is the one relating to ministerial responsibility. The Speaker will deal with the Speaker's concerns about privilege and contempt in this House, but this is about your responsibility as the chief executive officer of government dealing with members of the Legislature and members of the Ontario public service.

Who authorized this policy of secret taping by the executive branch of government for which you are responsible, when was it authorized, and if it wasn't your decision, will you demand the resignation of the minister or ministers who made this the policy of your government?

Hon Mr McGuinty: The members were always—always—informed when any briefings were being taped. There were never any secret tapings, just so we're very, very clear on that score. Again, we will not be conducting any more tapings of any kind, with or without consent.

The Speaker: Final supplementary.

Mr Hudak: Premier, as I brought up in my point of privilege, we learned from the government House leader's office, his executive assistant, that meetings with the member from Burlington had been taped. Obviously that was done without his knowledge or his permission.

Sir, you want to blame somebody else, it seems. The civil servants are absolutely embarrassed about this policy. This is about your responsibility and ministerial authority. We need to know, what is your next step? Will you investigate this matter and ensure sanctions about those who have made this a standard policy in the Dalton McGuinty government?

Hon Mr McGuinty: Again, all opposition members were informed if any conversations during the course of a briefing were to be taped, so there were no secret briefings at any time. I think that ends the matter.

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, you promised more open and transparent democracy in Ontario. Can you tell us, as the Premier who supposedly stands for more open and transparent democracy, why the political staff of ministers would want to tape-record the conversations between civil servants and members of the opposition in any case?

Hon Mr McGuinty: Well, Speaker, I think I've indicated pretty clearly that it's not a practice that I think is acceptable. I think I've indicated very clearly as well that there were never any secret tapings. I've indicated very clearly as well that any tapings were brought to the attention of opposition members. I think that deals with the matter.

1550

Mr Hampton: Once again, Premier, you haven't answered the question. We, in fact, are not satisfied that all members of the Legislature knew that a conversation was being taped. In fact, we have information to the contrary, that members' conversations with civil servants were, in fact, being taped without their knowledge.

I think this is a matter for the privacy commissioner. The privacy commissioner is an officer of this Legislature, there to protect the privacy of citizens.

Interjections.

Mr Hampton: I'm asking you, Premier—if you can shut the Minister of Finance up for a second, who obviously doesn't think this is a serious issue—will you insist on an independent investigation by the privacy commissioner so that she, independently, can determine to what extent this happened, who authorized it and to what extent the privacy of members of this Legislature was, in effect, breached by political staff of your government?

Hon Mr McGuinty: If the member opposite has information, titillating or otherwise, that he'd like to present to this Legislature or to the Information and Privacy Commissioner, then he should do so.

Mr Hampton: Once again to the titillating Premier, the very specific question is: Are you prepared to protect

the privacy of members of this Legislature or are you not? That's the question.

The privacy commissioner is an officer of this Legislature. She's not beholden to you, she's not beholden to the Minister of Finance. She was good enough to conduct an investigation of the breach of privacy of individual citizens. Will you authorize the privacy commissioner to conduct an investigation of this matter to determine, if she will, if she can, if the privacy interests of members were breached by political staff from your government? Were the privacy interests of members of the civil service breached by members of your government? What was your government doing, in any case? What were political staff of your government doing, in any case, trying to tape the conversations between members of the opposition and civil servants? Will you do that, Premier?

Hon Mr McGuinty: Again, the member opposite claims to have some evidence. It would be nice to get that. Apparently as well, this is a matter of privilege that has been referred to you, but now he suggests that, no, it's really the responsibility of the Information and Privacy Commissioner.

It is not up to me to authorize the Information and Privacy Commissioner to do anything. If she, in her wisdom, feels that there's a matter which she ought to consider, then I'm sure she will. If the member opposite feels that he has some evidence that is worthy of consideration, then I ask him, why does he not present it to me or the Information and Privacy Commissioner?

The Speaker: New question.

Mr Hampton: To the Premier, I'm trying to determine if the Premier, who says he stands for open and transparent government, in fact knows anything about it. What I'm getting from his answers is that he wants to advertise himself as the Premier who stands for open and transparent government, but while he's doing that, it's OK for political staff to tape conversations between civil servants and members of the opposition. He doesn't see anything wrong with that.

Premier, that kind of conduct is prohibited by the Criminal Code. It is not permissible for a third party to surreptitiously tape the conversations of other individuals without their knowledge. One of the allegations that has been raised here today is that that in fact happened. So I'm asking you, what are you prepared to do about it, Premier? Are you prepared to do anything about it?

Hon Mr McGuinty: Again, the member opposite says he has some kind of evidence. It would be interesting at some point in time to know exactly what he's talking about. My information is that no member was ever taped without their consent. That was brought to their attention. We will not continue with tapings of any kind in the future when it comes to these kinds of matters.

Mr Hampton: Premier, here is the information: Carol Price, in the office of the chief government whip, confirmed that the member for Burlington's conversation with a civil servant was in fact taped and that she offered him a transcript of that. It seems to me that if those allegations are true, this would constitute not only a

breach of the privileges of members of this Legislature, not only contempt of this Legislature, but a breach of the privacy of an individual citizen and possibly a Criminal Code issue. My question to you is, what are you going to do about it, other than say it might be titillating?

Hon Mr McGuinty: I think I've said all I can on this. The members opposite do not want to take yes for an answer. Apparently they are very impatient to have you rule on this matter, Speaker. I know you will take the appropriate time to give it every possible consideration. If the member opposite feels there is something here that is worthy of consideration by the Information and Privacy Commissioner, then I'm sure he's going to want to bring that to her attention.

Mr Hampton: At the very least, I would have expected you to get on your feet and say that if this ever happened, it was reprehensible, that this should never have happened and that it is completely contrary to any principles of open and transparent government, but you didn't do any of those things.

I'm going to ask you this one final question, Premier: Will you issue a directive to all political staff and all cabinet ministers in your government today to turn over any information, any tapes and any information where members of the opposition have had their conversations taped, either with their knowledge or surreptitiously? Will you at least do that?

Hon Mr McGuinty: To be clear, because I think what actually happened from time to time counts, in the case of Ms Price and Mr Jackson, that conversation was never taped.

The Speaker: New question.

Mr Jackson: Premier, when you were first asked the question in this series of questions regarding the taping incidents in this Parliament, you indicated that the matter was new to you. Will you please confirm to the House right now, did you know that your ministers were taping either with or without the consent of any member of this House? Were you aware of that before question period started today?

Hon Mr McGuinty: The members opposite tell us that this is a serious matter. They claim it is something that is worthy of your consideration, Speaker. They spent a considerable amount of time making representations to you a short while ago. Obviously they put some thought into that. It would seem to me that you now should be given the time to appropriately consider these representations. I've made it perfectly clear that this will not continue. I think we owe you the courtesy of providing you with the time to rule on this matter.

The Speaker: Pursuant to standing order 30(b), I am now required to call orders of the day.

1600

ORDERS OF THE DAY

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: The Premier is saying that in no way, shape or form did Carol Price—

Interjections.

Mr Bisson: What are you guys going on about?

The Premier is trying to deny that in any way, shape or form was anybody taped. I was told directly by the chief government whip's office that in fact it was taped. Carol Price told me she offered the transcript to Mr Jackson.

The Speaker (Hon Alvin Curling): That wasn't a point of order.

May I just ask the minister, you have to call them concurrently, Bills 106 and 149.

Hon David Caplan (Minister of Public Infrastructure Renewal): Mr Speaker, you're quite correct. As per the order of the House, government orders G106 and G149 are called concurrently.

Interjections.

The Speaker: I'll wait until members who are leaving the chamber do so quietly before I ask the Minister of Finance to proceed on the bill. Could I ask all members on the floor, if they're leaving, to please do so quietly, and if they are talking while here, to do so quietly.

Now I'll ask the Minister of Finance.

Mr John R. Baird (Nepean-Carleton): On a point of order, Mr Speaker: I ask for unanimous consent that orders of the day be called and that Bill 60, by unanimous consent, be the first order of business so that we can debate the Heritage Act before we rise.

The Speaker: Orders of the day have been called already.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004

SUR LES MESURES BUDGÉTAIRES (N^o 2)

Mr Sorbara moved third reading of the following bill:

Bill 106, An Act to implement Budget measures /
Projet de loi 106, Loi mettant en oeuvre certaines
mesures budgétaires.

The Speaker (Hon Alvin Curling): Mr Sorbara?

Hon Greg Sorbara (Minister of Finance): I'm looking across at my own MPP, Mr Klees, the member from Oak Ridges, and he's shaking his head. I think all of them over there are somewhat intoxicated by the notion that today is the final day. Perhaps I might make the point that, given it's the last day, we're wrapping up a number of bills, and personally I think it has been a marvellous fall session of the Legislature. In a non-partisan way, both sides of this House, across the aisle and on this government side, have worked diligently on a number of very important pieces of legislation.

On Bill 106, I'm going to be sharing my time with my parliamentary assistant, the member from Eglinton-

Lawrence. As we complete debate on this bill, I want first to express my appreciation for the co-operation I've received from our own caucus, from my colleagues in cabinet, and in particular from the hundreds of people who have worked directly on our legislative program in the Ministry of Finance.

This bill, along with its companions, Bill 149, which we'll debate in a moment, and the fiscal transparency act and the Audit Act, are the four major underpinnings of the spring budget. Together those four bills represent, in my view, a comprehensive plan to set the province on a stronger course economically and to set this province on the road to financial recovery after eight and a half years of what I have described in other places as Conservative mismanagement and misrepresentation.

Bill 106 does a couple of very important things. It implements the measures that we placed under the personal Income Tax Act, the Ontario health premium. It also protects from liability holders of units in income trusts. That's a minor matter, but it's one that has been waiting for this Parliament to deal with it for quite some time. The next bill, Bill 149, which is what we call the fall budget bill, implements a number of steps in the budget. I'm delighted to hear that both of these bills will be completed today, and before we rise for Christmas, I am hoping they will be voted on and receive royal assent.

Bill 149 is, I guess, the major foundation stone of the budget. It does a number of things, but if I might just point to one or two: I want to mention the fact that with this bill we have made a substantial increase to the seniors' tax credit, a budget measure that I think was even hailed by the opposition, with some reluctance, because they're in a mood not to say a good thing about anything. All of us agree that in this province there are thousands and thousands of senior citizens living on fixed incomes, whose major objective in life is to stay healthy and to stay in their homes. As a result of these measures, we're going to take significant funds from the treasury and increase the seniors' property tax credit by some 25%, as we described it in the bill.

Interjections.

Hon Mr Sorbara: I hear my friends in the Conservative Party shouting about the tax credit that they were proposing in the election. I want to tell my friends that that seniors' credit was one of the things that actually lost them the election. They had the audacity to pass in this House, before it was dissolved for the election, a tax credit in which the very richest of seniors got the very biggest amount of largesse. That, as much as anything, characterized eight and a half years of Tory mismanagement and misrepresentation to the people of Ontario.

So I tell my friends—and through you, Mr Speaker—

Interjections.

Hon Mr Sorbara: I want to tell my friends opposite, if they will ever just tone down a little bit, that as they pass Bill 106 and its companion, Bill 149, they will have joined in an effort that is going to have a very, very positive impact on this province.

The first and most important thing to say is that we are emerging out of the debt spiral that we inherited 14 months ago when we were sworn into government. We begin the process of recovering to financial health. We also begin a new model of government, a new approach to government. In that, I'm referring to the passage earlier today of the Fiscal Transparency and Accountability Act. It sets a new standard, and I believe it's a standard that is going to be replicated right across the country, and perhaps in many jurisdictions.

At the same time, while I think about standards that are going to start to be established across North America, I think of the bill that my friend the Chair of Management Board introduced that makes Ontario a North American leader in banning partisan political advertising at the expense of taxpayers.

Interjections.

Hon Mr Sorbara: I want to tell my friends opposite in the Conservative Party that as they jeer and shout across, it says to me that they still haven't learned the lesson of what went wrong during their eight and a half years in government. I don't want to say that it's all bad, but I want to tell them, as they heckle when I mention the elimination of taxpayer-funded partisan advertising, which they got so into, that it was offensive to the average Ontarian to open the mailbox and get yet another picture of Mike Harris or Ernie Eves or the finance minister of the day telling Ontarians, with their own money, what a great job the Conservative government was doing. We've eliminated that, and that will never happen again in Ontario. That's part of our budgetary measures as well.

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Interjections.

Hon Mr Sorbara: I know that this is hard for my friends in the Conservative Party to listen to. I want to say quite directly to my friend from Simcoe North that I'm not saying that through eight and a half years there were no achievements. There were achievements. I look out the window of the Ministry of Finance and I see the MARS building going up—medical and related sciences. That was a project started by my friend from Whitby-Ajax and his government. At the time, we congratulated them for it, and I continue to do so. But for my friend from Whitby-Ajax, who had his fingerprints on that great project, to stand in this House today and raise a point of privilege complaining about the fact that someone in the Ministry of Finance said that the conversation in a briefing would be recorded, and for him not to stand up in this House and acknowledge that he didn't walk the 12 feet across this aisle and ask me if I supported that, just says to me that my friend from Whitby-Ajax and his party are still in a terrible, terrible funk.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): When Jim was the Minister of Finance, he knew what was going on in his ministry. That's the problem. Why don't you know? Jim knew what was going on in his ministry.

The Acting Speaker (Mr Joseph N. Tascona): Order. Member from Renfrew, I'm trying to hear the Minister of Finance.

Hon Mr Sorbara: My friend from Renfrew was a newly elected member 14 months ago, and I want to say to him that I think he's doing a great job. He really adds value to this Parliament, and I know that he's working very hard for his constituents, as all of us are. I think we've got some great new superstars on this side of the Legislature as well. I really think that my friend from Renfrew may spend many, many decades in this House as a member of the opposition, and, if that were the result, it would not be totally unacceptable to me.

Just in conclusion—because my parliamentary assistant is going to speak to this bill as well—as we close up this session, I want to say that I honestly believe that this has been a very productive session of Parliament. In a nonpartisan way, I say to the people who are watching that the opposition has been strong and aggressive and I think sometimes a little off the mark, the third party has rallied their band of eight members and done a very commendable job, and I think the Parliament has worked very well.

As we turn the lights down and take a few weeks off for a holiday, I want to wish all of my colleagues a good vacation.

I want to say to you, sir, and to my colleagues around the House that I appreciate that soon these bills will come into law and that, as a result of the measures passed by this House, we will have a much stronger Ontario economy and a much healthier province of Ontario.

The Acting Speaker: Further debate?

Mr Yakabuski: I want to thank the Minister of Finance for those nice comments about my 14 months here so far. I hope I can live up to that, other than that story about my staying on this side of the House. I'd like to think we're going to get over there, and sooner than he may think.

I know we're debating Bill 106, but an awful lot of stuff went on in this Legislature today. Before I move farther, I want to take the time to recognize Emma Dobson from Cobden, Ontario, who served here as a page this last session. She's done a tremendous job and I know everyone in my riding is extremely proud of Emma's work here. I wanted to get that on the record, because she's done a tremendous job, as have all the pages, but I want to particularly recognize Emma, as she is a resident of my riding and I have a long-standing relationship with her grandfather, Harold, and my father knew Harold very well as well. I want to wish each and every one of the pages good health and success in the future and a very merry Christmas.

Where were we? Bill 106. Of course that's the budget bill, and that's the one that talks about that hated—

Mr John O'Toole (Durham): Dreaded.

Mr Yakabuski: —dreaded—we want to be certain we're not unparliamentary. There's something I'd like to say, but I don't think I can because you might rule me out of order, Mr Speaker. You know what I'm thinking, and

the people out there in Ontario know what I'm thinking because they're thinking it too. The difference is, they can say it; I can't, because you'll throw me out of the House. However, we're all thinking it. It was a terrible thing to do to the people of Ontario.

The now-Premier, Dalton McGuinty, as long ago as 2002 or maybe even before that—good Lord, he probably was against it his entire life. I've got a couple of quotes here from the Premier. I guess there was some speculation that the prospective Conservative leader might consider a health tax. I can assure you, the Conservatives had a leader in 2002 and that leader, Ernie Eves, who became Premier, at no time imposed a health tax. However, the current Premier, Dalton McGuinty, back in 2002, said, "Tory leadership candidates Ernie Eves and Chris Stockwell may want to raise taxes, by charging families an additional \$1,000 a year for health care. I do not." He was four-square opposed to a health tax and he campaigned in 2003, not only specifically on a health tax, but, "I won't raise your taxes, period."

He created this marvellous photo opportunity, speaking to the Canadian Taxpayers Federation and signing this great big pledge card. If you use a big card, does it mean the promise is more likely to be kept? I guess that's what he hoped the people of Ontario would believe. They did believe him, and they elected him Premier. This is what they've got as a result: They've got that health tax. This Christmas, as I said earlier in the House today, I'm afraid that in some people's stockings is going to be that little note, "Sorry, but daddy's got to pay the McGuinty health tax." That's all you might get in the stocking, "Sorry, but daddy's got to pay the McGuinty health tax."

I would suggest to the members opposite, get a pay stub from a real working person in this province and take a look at it, pre-McGuinty to today, and see what effect this government's decisions have had on working Ontarians.

It's a shame. It's a shame what they're doing to working Ontarians. They have raised the hydro rates, and on top of that those taxes that you can see directly on a payroll stub. They have raised the hydro rates, they have delisted essential medical services, all while getting an additional \$800-and-some million from Paul Martin's Liberals in Ottawa. All of that. So how can we stand here and support this government in this bill, which basically puts into law this health tax? They're not even making the additional investments in health that they're taking out of the pockets of Ontarians. If you take that, coupled with the money they're getting from Paul Martin, they're not even making that kind of investment in health care.

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Oh, but I tell you, the sewer pipe manufacturers are very pleased because they are putting some of that money into sewer pipes. That might as well be where you flush down a promise made by Dalton McGuinty, because that's about what it's worth. You might as well flush it down the drain because it's not worth the paper or that plastic card or whatever they had at that photo opportunity; it wasn't worth what it was written on.

Now, I'm not sure how much time I've got here. There are a couple of things I did want to touch on before Christmas, if you will bear with me. We had quite a raucous day in the House today. Question period was abbreviated because it became known that the behaviour of the government has slipped to a new low in what they're subjecting members of the loyal opposition to with regards to briefings. But that's all in Hansard, and we won't spend a lot of time talking about that.

I noticed the Minister of Finance talking about how their tax credit for seniors is so much better than the tax credit of ours that they took off. Well, I can tell you that in my riding of Renfrew-Nipissing-Pembroke there are a lot of seniors who will not agree with the Minister of Finance. We don't have mansions, but we have a lot of seniors who are living in their homes and would like to stay that way, very marginally financed people, and that education tax credit meant a great deal to them. This government took it away, and now, only because they're under a lot of pressure from seniors for what they did to them, they're instituting this tax credit as a kind of a get-even thing.

I did want to talk about a couple of things. The government is talking about this great agenda they've had and this ambitious fall session where they've passed all of these bills. Look at some of the bills they passed. Bill 17: The government actually has to bring in a law to tell cabinet ministers they have to show up for work. They actually have to bring in a law to tell cabinet ministers to come to work. My goodness gracious, I don't think we need a law for that. Just show up for work. However, in spite of what they've done, all they've got to do is call the Premier and say, "I can't come to work; I've got a hangnail," or whatever. Then the Premier says, "Well, you won't be subject to Bill 17, because I have the right to absolve you of any sin when it comes to breaking that law." Now, wouldn't that be something in this province if all you had to do to get an exemption from a law was call Dalton McGuinty? I would have loved to be able to do that on a couple of occasions when I got caught on Highway 60, going over the limit. I'd like to be able to just call the Premier and say, "Dalton, can I not be exempted from the laws?" He can do that with Bill 17. So that's pretty interesting, isn't it?

Then we've got Bill 25. The finance minister was talking about Bill 25 and the advertising. Well, come on, now. You saw that glossy pamphlet. We all saw that glossy pamphlet. That was nothing but an absolutely jaded picture of what has gone on in this province in the last year. It in no way was a fair representation of what this government has done or what the people of Ontario view this government as having done. So Bill 25 is sort of, "Fill up this agenda, because we really don't want to face the real issues in this province. We know we're breaking promises, but let's throw a few crumbs out there, and maybe the people won't notice."

Bill 96, bring-your-own-wine: I voted for the bill because there's nothing there. It's not one that's going to

be objectionable to people, but it wasn't necessary. We just tied up a lot of time on the agenda.

However, I do want to talk about the electricity policy in this province. I do hope that Minister Duncan will be up in my riding soon to visit AECL and talk about the new reactors when it comes to fulfilling the needs to service Ontario's electricity future.

At this time, I want to mention too that I had the opportunity to tour Camp Petawawa a couple of weeks ago. What a wonderful experience, to see where these troops are doing their pre-training before they get stationed in Afghanistan in February. We toured a mini Kabul, where they could recreate simulated situations as to the kinds of dangers they may face when they're over in Afghanistan. I want to thank Lieutenant Colonel Dave Rundle and Colonel Alan Howard for having me there as their guest. What a tremendous job they are doing in preparing our troops to face the dangerous missions that they must do in Afghanistan. I want to take my hat off to them and thank each and every one of those troops in advance for their devotion and dedication to this country as they embark on this mission. They've finished their training now and they're off for Christmas, but I know their families will be missing them, and we in the great riding of Renfrew-Nipissing-Pembroke will be missing them as well. We wish them Godspeed and good health.

I'm just going to wind up here now, because the time is running a little short and I do want to share the time with my colleague from Haliburton-Victoria-Brock.

I did want to say that I can't vote for this bill. The McGuinty government will go down in history. Rudolph the red-nosed reindeer will go down in history, as you know, and he has gone down in history, but this government will most certainly go down in history as the promise-breaking champions of all time.

The Acting Speaker: I want to thank the member from Renfrew-Nipissing-Pembroke.

On that note, it's the last day for the pages for this particular part of our session and the year, so if we can thank the pages for their hard work.

Applause.

The Acting Speaker: Thank you.

The Chair recognizes the member from Niagara Centre.

Mr Peter Kormos (Niagara Centre): I'm pleased that you acknowledged the important role that these pages have played in this Legislature over the course of the last—how many weeks, four or five?

Interjection: Five, Mr Kormos.

Mr Kormos: Five weeks, Daniel says. They are as good a group of pages as has ever worked with us. I join you and other members of the assembly in congratulating them for their great work here and thanking them for their faithfulness to the tasks they have undertaken, and to tell them that we expect to read good things about them in the years to come, in five, 10 and 15 years' time. I'm not quite as old as Mr Colle is, but I look forward, when I'm Mr Colle's age, to seeing some of these pages sitting in some of these seats right here in this Legis-

lature. I think the people of Ontario will be in good hands with these skilled and talented young people.

Here we are at third reading. This is it; this is the end. After the course of today, I can't think of a government that would welcome a Christmas break more thoroughly than this one does. Boy, oh boy, are they going to be glad to get out of here. I've got money on the fact that there are people sitting in the Premier's office just counting the minutes off. They've got the engines started outside in the government parking lot, with the limos revved up and heated up, because they want to skedaddle. They want to move on. They want to make haste, because it hasn't been a good day. Quite frankly, it hasn't been a good week; it hasn't been a good month; it hasn't been a particularly good year for the Liberals here at Queen's Park.

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A Premier who says, when he's campaigning—"Tory leadership candidates Ernie Eves and Chris Stockwell may want to raise taxes, by charging families an additional \$1,000 a year for health care. I do not," McGuinty said...."Families are already paying for health care with their taxes. Pay more for health care, pay twice for health care, but get less health care—that's the Tory plan. It's certainly not the Liberal plan."

"If Eves were Premier, you'd pay at least three times: with your taxes, with your premiums, and, if you have the cash, out of your pocket to get premium service," McGuinty said.

"Instead of looking for ways to make Ontarians pay more, we must look for better ways to invest the precious dollars Ontarians already give us, so they get improved health care," McGuinty said.

This is the same Dalton McGuinty, the Premier of the province of Ontario, the leader of the Ontario Liberal Party, the Premier with the limo with the engine running, with the backseat heaters warming up the leatherette, with the centre console folded down—Lord knows if they got the Waterford crystal out yet—who said, "Those horrible Tories want to charge premiums for health care, but the Liberals won't. Those horrible Tories want to get more money from you, more taxes, more premiums and, if you have the cash, money out of your pocket to get premium service, but the Liberals won't."

Where I come from, you know what they call that? When you say something and you don't mean what you say, when you make a promise that you have no intention of keeping, what do they call it? I know what they call it where I come from. So do you. What do they call people who say those things? There is a word for them too. Unfortunately, parliamentary convention prevents me from using the word. I can't say the word.

I can read lips. You know that, don't you? There is a woman up in the gallery who knows exactly what the word is. She knows exactly what's going on. She saw that movie with Jim Carrey. She knows that biblical reference to lying with dogs: lying with dogs and you get fleas. It's from the Bible. If you lie—if you lie—with dogs, you get fleas. It's in the Bible.

It happened again today: revelations—

Interjection: Let sleeping dogs lie.

Mr Kormos: That's from the Bible too—revelations about the government House leader secretly taping conversations between members of this assembly and civil servants. At first the Premier said, "It didn't happen." Then the Premier said, "If it did happen, it shouldn't have happened." Then the Premier said, "Well, I'm not sure it happened but if it did happen, it shouldn't have happened and I'm going to do my best to make sure it doesn't happen again." I don't know whether he went so far as to promise to do his best to make sure it doesn't happen again. All I know is that if the Premier promised to make sure it doesn't happen again, you can bet your boots it will happen again. Because when Premier McGuinty promises, it ends up being nothing but a big fib, to put it kindly.

What do we end up with, a year and change after Premier McGuinty gets handed the keys to that long stretch limousine with the leather interior and the armrest that folds up to reveal the Waterford crystal in the back seat? A year and change later, what have we got? We've got privatized health care. If you want to go to a chiropractor, if you want to go to a physiotherapist, if you want to go to an optometrist, you've got to pay. You don't pull out your OHIP card any more. You've got to pull out money. You've got to pay, and if you don't have the money, you don't go.

Do you understand what I'm saying? In Dalton McGuinty's Ontario, if you want to get treated by an optometrist, you've got to pull out your wallet, not your health card. In Dalton McGuinty's Ontario, if you've got a herniated disc and need chiropractic treatment and you want to get treated by a chiropractor, you don't take out your health card, you take out your wallet. In Dalton McGuinty's Liberal Ontario, if you need physiotherapy because you've been in an accident or you've just had your hip replaced, if you can get your hip replaced, or you've got arthritis and you need some physiotherapy to maintain mobility to enable you to do the things you used to do every day and take for granted, if you want to get physiotherapy—not if you want to. Nobody wants to get physiotherapy; you've got to. Nobody wants to get eye treatment; you've got to. Nobody wants to get chiropractic treatment; you've got to. So if you've got to get chiropractic health care, optometry health care or physiotherapy health care, you've got to pay. If you can't pay, if you can't afford it, you don't get it in Dalton McGuinty's Liberal health Ontario.

Dalton McGuinty promised—by God, he promised—to never impose premiums for health care. He scourged the Tories for daring to consider it, for daring to contemplate it. Dalton McGuinty promised no new premiums and that was conjoined with his promise—what was the promise?—no new taxes.

Did you see that Jim Carrey movie, Liar Liar? You didn't see that movie? It's not a travelogue of the province of Ontario. It's not on the biography or documentary channel as a history of the Liberals at Queen's Park, but

it might as well be, because a whole lot of people—down where I come from too, down where Tim Hudak comes from, down in Erie-Lincoln, a whole lot of people—I acknowledge it, voted for the Liberals because they were voting for change. They voted for the Liberals because the Liberals promised not to privatize health care, not to impose new premiums, not to impose any new taxes, not to create a two-tiered system. Well, those people got taken to the cleaners. They got hoodwinked. They got scammed. They got fleeced. They got rolled in a back alley, and the mugger still holds them by the ankles upside down, shaking every last nickel and dime out of them, the government of Ontario.

In Dalton McGuinty's Liberal Ontario, hard-working folks, senior citizens, retirees—you know what's the most disturbing thing? I talk to retirees who, on their modest incomes, are paying the health tax premium. They've been paying taxes all their lives. They built public health care. I'm going to tell you something that I've probably had occasion to tell you before, and that is, like you, I'm old enough, not really that old but old enough, born in 1952, to remember a time in this province—and it wasn't that long ago, was it?—when after the supper table was cleared of the dishes, a mom and dad might have to sit at that red Formica table with the chrome legs splayed out and, in hushed tones, debate whether or not to take a sick kid to the hospital tomorrow, because to do so meant dipping into the mortgage money or the rent money or the food money. Nobody went to a doctor lightly.

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I remember those debates. I remember those hushed, muted arguments, and I remember the tragedies when people didn't quite make the right decision. Kids were crippled, kids died, because there was a period of time not that long ago when we didn't have public health care in this province, when Tommy Douglas was still fighting to build it, and when the victims of privatized health care were kids, and a whole lot of times their folks too, or their grandparents.

You see, Speaker, notwithstanding our age—both of us are just about the same age—we didn't build health care; our parents and grandparents did. They did it with a tremendous amount of hard work and sacrifice, and they did it with a goal of a healthier province and country, and one in which parents didn't have to worry about whether or not there was enough money in the—did your folks keep mortgage money in the coffee can? A whole lot of people did. They would have to worry about going to the coffee can and counting out the mortgage or the rent money to see whether they could accommodate a trip to the doctor for a kid whose fever was running maybe 103, so they hoped against hope that the fever would break in the middle of the night because they really couldn't afford medical care.

I remember that. I was a little kid. I remember it too well. And I remember being a witness to the incredible sacrifice of so many Canadians—so many of them new Canadians. I don't know if your parents, like mine, came

from places other than Canada. Mine came from Europe; they were immigrants. We still have new Canadians coming to this country. I hope we welcome them and continue to welcome them with open arms. Maybe your folks, just like mine, were immigrant Canadians, building things, building a public health care system.

Does the Dalton McGuinty Liberal government, the Dalton McGuinty Liberal agenda have a stronger, better vision for health care? For public health care, no. The Liberal-Dalton McGuinty agenda for health care is new premiums and taxes that hit middle- and low-income people the hardest. Once again, the very rich friends of Dalton McGuinty or the Conrad Blacks—may he go to jail sooner rather than later, the thief—the Barbara Amiels—may she go to jail sooner rather than later, the thief. These people get a huge break from Dalton McGuinty and the Liberals because their health tax premiums amount to but a pittance. It's middle-income and low-income people, the people on the lowest incomes in this province, paying the biggest chunk. It's folks who are retirees having their pockets picked once again, while the very rich—the Ferrari and Mercedes-Benz S500 set, the Bentley and Rolls-Royce and Jaguar set—get off scot-free.

Maybe we should feel sorry for them. I'm told that those Mercedes-Benzes only take high-test gas. So maybe those rich people need a break. Maybe that's what Dalton McGuinty and the Liberals had in mind: "Give those rich people a break. Don't quite impose the same level of health taxes on rich folks as you do on hard-working, middle-income and low-income folks because, after all, rich folks have to put high-test gas in those Mercedes-Benzes, and that's expensive." That's a \$60 gas tank fill-up. You know that, don't you? It's not cheap. So we've got to feel sorry for those rich folks in Dalton McGuinty's Liberal Ontario—the ones who got the biggest tax cut from the Tories, not a penny of which the Liberals will dare roll back.

Oh, the Liberals will beat up on minimum wage workers. The Liberals will beat up on persons receiving social assistance or ODSP benefits. The Liberals will beat up on single moms working two and three jobs to keep food on the table and to keep the bailiff away from the door. But the banks of Ontario—oh, we should feel sorry for them. Oh, my goodness. Quick, page, get me a tissue; I'm going to shed tears for the banks.

The banks got a huge tax cut. "Merry Christmas," says Dalton McGuinty and the Liberals. The insurance companies, the private, for-profit insurance companies, those vultures, those parasites, got breaks once again from this government: "Oh, go ahead and charge higher and higher premiums, higher than ever before, and go ahead and reduce benefits and, by the way, laugh all the way to the bank."

I should indicate Liberals are voting against Bill 106, Speaker. Make no mistake about it.

Mr Mike Colle (Eglinton-Lawrence): I just don't understand the member from Niagara Centre saying

Liberals are going to vote against 106. I think it's typical. He doesn't know what he's voting for or against.

I guess the thing I say to him is, there's Bill 2, the second bill we introduced in this House. We rolled back \$2.3 billion in corporate tax cuts that were supposed to go to the insurance companies, to the banks he talks about, to the rich. We said we were going to roll those back, because the previous government had a policy of increasing tax cuts. Some \$2.3 billion is a lot of millions.

The Conservatives voted against our rolling those back because we felt we needed money for health care and education. Guess what the NDP did, the ones who keep saying, "You're just helping the rich or big business"? The NDP voted to give the big corporations another \$2.3 billion in corporate tax cuts. This is the thing I could never get an answer on from my NDP friends. That's why I'm saying they're not quite sure what they vote for or against or why they do it.

To get on to these bills, essentially Ontario faces challenges, and the main reason we face the challenges is that we found, as Erik Peters, the very respected former Provincial Auditor, found, there was a \$5.6-billion hole that we had to make up. We're working to get rid of that, but we strongly believe—that's why these bills are important—that Ontario is a great place to live, work and invest in.

I know you've heard all the doom and gloom from the NDP—"It's the end of the world as we know it"—but the people I know in my riding of Eglinton-Lawrence think that Toronto and Ontario and Canada are great places. In my riding, half the population are immigrants like myself. We weren't born in Canada or Ontario. We came to this province. We came to this city. Our parents worked. I know the Acting Speaker from Barrie-Simcoe-Bradford knows the same thing.

That's why Ontario is so strong: because we had an open-door policy for these immigrants who came from every part of the world. Whether they came from India or Italy, or from Sudan, wherever, we said, "Come to Ontario," and they've been coming. They've made Ontario strong because they're willing to work for low wages and they're ambitious. They worked their way up, like my father who started in a steel plant. That's where he started. He worked his whole life so that my sisters and I got a chance to work and go to school.

That's what Ontario is made of, and that's why Ontario keeps on leading the rest of this country. That's why we built over 80,000 new homes in this province last year. That's why, despite the fact the Canadian dollar has increased in value by 30%, we have still had economic growth of 2.4%. We're still doing well in Ontario, but we need to do better. That's why we need to make some changes so that we can continue to say to all these wonderful people who come from all over the world, "Come to Ontario. You get a chance to work, to go to school, to raise a family, to buy a house, to do something that is good for you and your family."

That's why we have to keep investing in our schools, as we've done. Our schools are finally getting some sem-

blance of peace. We're sitting down and talking to labour unions for a change, face to face. There are many good things happening. We've given the cities the gas tax so public transit can come back up. We've said to seniors, "You're going to get \$625 off your property taxes." That's what's in this bill. So we've got 485,000 low-income seniors who are going to get 625 bucks. That's the type of thing. We're going to say to seniors waiting for a cataract operation, "You're going to get a cataract operation. You won't have to wait and wait." We're going to say to young babies that everybody can get immunization against smallpox, chicken pox and meningitis.

That's what we're saying with these bills. I know the NDP doesn't believe in that, doesn't want that. They want everything to go down in Ontario. They don't believe in our progressing and giving people a chance. We're saying that not everything is perfect, but we think all Ontarians want to move ahead. We want Ontario to be a place where people get equal opportunity. But they're not going to get equal opportunity unless we have good health care, good education, good public transit and a good environment. That's where this money goes from these bills. It doesn't go nowhere; it goes to people.

1650

The Acting Speaker: Further debate? The Chair recognizes the member from Haliburton-Victoria-Brock.

Ms Laurie Scott (Haliburton-Victoria-Brock): Excellent. Thank you, Mr Speaker: You got the name right and everything.

I'm pleased to rise today speak to Bill 106. It has been made clear by the members of the official opposition that we believe the bill is about Ontario families paying more and getting less.

In 2003, Dalton McGuinty made promises to the people of Ontario, but we know what has happened to those promises: He breaks them daily, and we just keep adding them up. He just doesn't care about the promises. If you did, you would not be bringing this bill forward; you would not be taking money out of the pockets of the hardworking families. The health tax you're imposing on the people of my riding and across the province is a direct repudiation of your election promises to not raise people's taxes. You are levying a health care tax on people, and you're not even spending the money to improve health care.

We keep telling you: You're spending more and we're getting less. You're clawing back \$2.4 million out of the hands of Ontarians—modest- and middle-income earners. There's going to be little or no improvement in the health care services. They're not realizing this yet; they're going to realize it soon. It's not going to make them get a doctor; I don't know how you're going to produce a doctor. So they can pay all this money but they're still not going to have a family doctor. Not one person, probably, will be getting an MRI, because the wait times won't be reduced by even a single hour.

The hardest thing for Ontarians to understand is how your government can levy this new health care premium

at the same time that they're delisting key health services such as routine eye exams, chiropractic, physiotherapy. On the one hand you're taking more money from Ontarians, and on the other you're reducing their access to health care services.

I have spoken in this House before about the importance of these services in my riding. I've heard from thousands of my constituents who've called my office, writing letters and signing petitions, like Jim Belfry, who wrote to me about his concern about the delisting of eye programs. I wrote to the Minister of Health on his behalf. He did not receive a response that addressed the concerns he raised. Mr Belfry has an A2 licence and has to renew his prescription every five years. That means he has to get an eye test every five years.

The delisting of the eye care services will also affect Pauline Lees, who has said that she will have trouble affording eye exams. Jerry Smith is a diabetic and is dependent on the Ontario disability support plan for his income. Because the ODSP will not pay for his eye exams, how's he going to pay to have an \$80 eye exam done?

These are real people with real problems, whose lives are going to be made more difficult because you're delisting health care services.

We live in an underserved area of the province. The city of Kawartha Lakes alone is underserved for 15 doctors. Doctors have, on average, 1,300 patients. Really, in rural Ontario, they easily have over 2,000 patients each. So you do the math.

I keep saying about the orphaned patients: In January, there's a doctor retiring in Minden, orphaning more thousands of patients in that part of my riding. My riding has the second-highest percentage of seniors in the province, but we have more than our fair share of orphaned patients throughout Haliburton-Victoria-Brock. We can't afford to lose even one more doctor.

The doctors should be upset with the Liberal government's response to their vote: to issue a press release in which the government outlined the terms of a deal they planned to impose upon the doctors. I think it's important for the two sides to meet because an imposed deal, such as the one the government introduced by press release, is not the way to convince doctors that Ontario is where they want to practise. They just pick up and leave, and where is that going to put our patients and our people at risk? There's going to be a higher mortality rate, and that's the bottom line.

It's well past time for everyone to concentrate on creating an environment where doctors would want to continue to practise, to create sufficient new places in medical schools, and to improve the process of recognizing the credentials of foreign-trained physicians.

Anyway, this bill, Bill 106, should be opposed. As I said, Mr Speaker—and I'm almost finished—people are going to be paying more and getting less.

The Acting Speaker: That's very well said, member from Haliburton-Victoria-Brock.

APPOINTMENT OF HOUSE OFFICER

Hon David Caplan (Minister of Public Infrastructure Renewal): I believe we have unanimous consent to consider a motion, without debate or amendment, concerning the Third Deputy Chair of this Legislature.

The Acting Speaker (Mr Joseph N. Tascona): Agreed? Agreed.

Hon Mr Caplan: I move that, notwithstanding any standing order, Michael Prue, member for the electoral district of Beaches-East York, be appointed Third Deputy Chair of the committee of the whole House and that he be entitled to exercise the powers and duties of office as set out in standing order 4(c).

The Acting Speaker: Is that agreed? Agreed. Congratulations to Mr Prue.

The question on the third reading motion on Bill 106 will be put at 5:50 pm.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES BUDGÉTAIRES (AUTOMNE)

Mr Colle, on behalf of Mr Sorbara, moved third reading of the following bill:

Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts / Projet de loi 149, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2004, édictant la Loi de 2004 sur la Société d'émission d'obligations de développement du Nord de l'Ontario et modifiant diverses lois.

The Acting Speaker (Mr Joseph N. Tascona): Debate?

Mr Mike Colle (Eglinton-Lawrence): I want to take time to congratulate the former and the last mayor of the great and last borough of Ontario, the borough of East York, for his elevation to Third Deputy Speaker. I hope he's allowed to wear his chain of office when he's up there in the Speaker's chair.

Hon David Caplan (Minister of Public Infrastructure Renewal): Just the chain of office?

Mr Colle: No.

Anyway, I want to share my time, as I begin on Bill 149.

This morning the minister gave an update on the economic progress for the province. In his presentation this morning to the finance committee, ably chaired by my good friend from Chatham-Kent, Pat Hoy, he put forward the fact that we are on track with progress and modernization.

We have reviewed every ministry over the last couple of months. Every ministry has had to account, and there has been a program review. We've had a lot of good suggestions from the public service on improvements and changes, and those are under way. We have already identified \$350 million in savings. We had projected to find \$750 million over the four years, but we've already identified \$350 million in savings. We've also done some

streamlining in our purchasing practices. That's another saving. We've consolidated some of our technological services, our IT applications. We've also had \$15 million in savings in our accommodation costs by tightening up some of the overhead with the Ontario Realty Corp.

So there are some good things happening behind the scenes, and as I said, I give credit to our fine civil servants in the Ministry of Finance for doing this, and for the work they do endlessly.

There's more work to be done on modernization and updating our public service and the government of Ontario. That will continue. We are collaborating with the federal government to have one federal tax collection system implemented. That should also save us some money. We are also enhancing our partnership agreements with the federal government for post-secondary education, child care and infrastructure. The Minister of Public Infrastructure Renewal is very involved in that. We hope to hear some news on the housing front very soon.

Also, I should mention that the general projections for the province of Ontario for the next fiscal year seem to be on track. The only real question mark is what's going to happen with the American economy. Generally speaking, we are growing in Ontario. We made that significant investment in the automotive sector, which is going to make Oakville, Ontario, the cutting edge for automotive technology in that workplace. That's a great investment in the future of Ontario with good, high-paying jobs with good benefits. That's a real investment in the future, and that will continue.

1700

Those of us who travelled with the finance committee, with our colleague Gilles Bisson, went to northern Ontario. We saw the compelling message to help the north and invest in the north. That's why I'm glad to see that the grow bonds initiative is in Bill 149, which helps Ontarians invest in the north. That is a very positive part of Bill 149.

We're also gradually eliminating, over the next decade, the capital tax. When we had our pre-budget consultations last spring, we were told that the capital tax is very much a job killer. In essence, it punishes you if you hold on to assets but does nothing to take into account the fact that you may have had a bad year or two or three, so you get taxed, essentially, on your assets. It was something that was encouraged by a number of deputants who said, "You should eliminate this capital tax. It really doesn't serve a useful purpose." We're not eliminating it all at once, but over the next decade it will be eliminated, and I think that will help create more jobs in Ontario.

Also, the apprenticeship training tax credit: 7,000 Ontarians will get a chance at apprenticeship training with this tax credit. That is a meaningful investment in young people: apprenticeship. We've got a lot of work to do on that front, but again it's about jobs. We can't pay for the health care, we can't pay for the environmental cleanup, we can't pay for our water inspectors or meat inspectors unless there are revenues coming in. That's why the job

creation, the economic growth—thankfully that's still strong in Ontario—is going to enable us to collect taxes to pay for those essential public services that everybody counts on and everybody demands. This is what will be done with Bill 149.

We also have closed some loopholes. There were a number of tax credits that weren't of any real value. Those are gone. We've made sure that the ones that are there are of value.

As I mentioned earlier, the one benefit that is quite sizable is that 485,000 low-income Ontario seniors who are tenants or homeowners will get up to \$625 off on their property tax. I know that in the riding of Eglinton-Lawrence that means a lot, especially for people who are finding it hard to pay all their expenses. This will help them. It's not going to be the total solution, but it is a step in that direction.

We're also giving GO Transit some support in allowing them to extend their power to levy development charges so they can pay for that essential service in the GTA, getting people out of their cars and going from Ajax, Oshawa and Hamilton to come to work and live in the GTA. That's in here.

I know that the Attorney General is very strong on this: We are also waiving court fees for needy litigants. That is in here too. We are also expanding the rights for investors in the stock market to sue when there is false information.

So there are a number of very positive initiatives, as we roll up our sleeves and undertake a lot of needed work in Ontario through these two bills before us. As I've mentioned before, there are a number of initiatives that sometimes go unnoticed, but the main thing is that there is a paradigm shift—in health care, the protectors of the old silos and the status quo that say, "You can't change the hospitals. You can't change the way doctors do things."

I had a fascinating meeting yesterday with two directors in my community health centres. I don't know if you have them in your riding. They are not all across Ontario. Community health centres are these dynamic centres where people can walk in and sometimes make an appointment with a doctor. By the way, the doctor is on salary. There is a practical nurse there, and there may be a nutritionist there. There are social workers in that setting. They have perhaps outreach, and they are usually connected very closely with Meals on Wheels. I met yesterday with the Lawrence Heights Community Health Centre and the director of the Anne Johnston community health centre.

In our past budget, one of the things we did for the first time in about 10 years was to increase the investment in the community health centres by about \$14 million. We're also going to expand into 10 new satellite centres. We think that's a very exciting part of the transformation agenda in health care. We can't keep on pouring money into the hospitals, because what happens is that it becomes a system whereby you treat the symptoms, the sickness, and you don't do anything about pre-

vention and getting people to get that care in the community. That's why we're investing in community health centres. I hope that in next year's budget we can continue the same thing.

If you don't have a community health centre in your area, ask me about it or ask other members who do. They are amazing, dynamic centres that provide a whole spectrum of health care. They're a heck of a lot better than going into those walk-in clinics, which I guess are a necessity. They know who you are. They know your family. You get counselling. You can get a doctor to spend an hour with you, because the doctors are not working on number of patients; they're working on salary. Some doctors really like doing it. They really want this approach.

We're investing in community health centres. We're transforming health care by putting hundreds of millions of dollars more into the community, and it's something run through the CCACs, which give people home care. I know most seniors really don't want to leave their apartment or their home; they want to stay there. If we can get a nurse or a support visit at home, they can stay there in dignity and be a lot more comfortable, rather than taking up an expensive hospital bed where they feel very alienated and under more pressure. That's why Minister Smitherman, with this budget, has made massive investments in home care.

Also, for the first time, we've made a massive investment in public health. We're very fortunate to have Dr Sheela Basrur take on that job, as the public servant in charge of public health in the province of Ontario, because we've been told over and over again, "If you don't undertake preventive measures in communities, you're going to suffer the consequences of outbreaks of all kinds of potentially hazardous infectious diseases." We've seen that with SARS. Hopefully, we'll never go there again. Luckily, we've reinvested in public health, and we're going to upload part of public health where 75% will be funded by the provincial government. We can't do it overnight, but it's starting to happen.

In the health care area, we're also saying, "Why not immunize children, all children?" That's what is happening now. The immunization of children is happening right across the board. That's a very progressive thing.

Dr Hudson—a very impressive individual—has been brought in to finally quantify the wait times. I also want to mention another very impressive individual I had the pleasure of meeting, Dr David Naylor, probably one of the most brilliant doctors in terms of public policy. He did the national SARS report. He is the dean of medicine at the University of Toronto. If you talk to Dr David Naylor, he really opens your eyes because he's been involved in federal-provincial relations on funding for health care and the federal-provincial cost-sharing arrangements.

Dr David Naylor makes a very strong case when he says that one of the real challenges is that it's not that Ontario necessarily spends too much money on health care; our problem in health care is that when you compare what we spend per capita and what we get per

capita from the federal government, we spend not enough. He's saying that the critical thing we have to overcome is the fact that not enough health care dollars—and it's our own money—stay in Ontario so that we can ensure our citizens in Ontario get proper hospital care, home care and community health centres.

That's what the minister said this morning in the finance committee. He said that one of our real challenges here in Ontario is we have the \$23-billion Naylor gap. By that I mean that \$23 billion of Ontario money goes to the federal government and out to the rest of Canada. We think we have a crucial role to help the rest of Canada. We've always done it and we'll always continue to do that. But what Dr Naylor is saying is, "You've got to be able to keep more of that \$23 billion in Ontario so that you can really undergo this transformation of health care, because if you continue to have the \$23-billion outflow"—every year, we write a cheque for \$23 billion. It strikes me as strange that we write a cheque for \$23 billion when we're scrambling for money for hospitals, schools, roads, police. We're scrambling because, inherently, with the present fiscal arrangement we have with the federal government, we're not able to keep enough of our own money.

1710

The thing Dr Naylor talks about is, if we were able to reinvest in more auto plants, reinvest in Bombardier's aerospace plant, reinvest in our hospitals and schools, we would be able to generate even more wealth to help the rest of Canada. But by hampering Ontario's ability to build sewers, roads, hospitals and schools, we cannot meet our traditional historical obligation to help the rest of Canada.

That is something we've got to start to get our heads around, and that's why I'm so pleased that the minister mentioned again this morning that we have to do something about that \$23-billion Naylor gap. We are going to struggle; there's no doubt about it. The economy is doing well. We are taking strong initiatives, but we're still going to struggle to meet our infrastructure deficit here in Ontario. Whether it be in our municipal infrastructure, our sewer separation system, or the building of all these new hospitals we need through growth in parts of Brampton, Oshawa and Barrie, we need that money to build our infrastructure. It's like saying, how can we afford to send our money down the street when we've got a hole in our own roof and our furnace doesn't work? We have to start fixing the furnace and we have to start fixing the roof here in Ontario.

But the Ontario population works very hard. As I've said, half of them are new Canadians. The old stock of Canadians in Ontario work very hard, pay a lot of taxes and really have a great deal of pride in Canada, but we can't continue to take them for granted. That's why when we take these initiatives with the modernization of government, we've got to listen to spokespersons like Dr Naylor, who's looking ahead. We can't always look back and protect the silos of yesterday.

I know it's much easier to protect the status quo and be comfortable and very negative as we try to move ahead in our transformation agenda and change. We have to change things in order to make Ontario better for our people, to make Canada better. Ontario is willing to do its part, and the people of Ontario have always done their part. We've always rolled up our sleeves to help the rest of Canada. We always want to be the gateway for people from all over the world.

As I said, I wouldn't be here myself today if we didn't have an open-door policy for immigrants after World War II. I thank God I got that chance, that my parents made that sacrifice. So let's make sure other Canadians are able to come here and make this the great province that it should be.

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise to make a few comments on Bill 149. Of course, it's a time allocation motion, and we will not be supporting this. We call this bill the you-pay-more, you-get-less bill. Although they sometimes refer to it as something—what is it? The northern Ontario grow bonds bill.

It's almost hilarious to listen to the previous speaker make a few comments, particularly around the \$23-billion deficit from the federal government. I can remember sitting in this House when a motion came across the floor from Mike Harris asking the federal government to pay more money into the health care system. Mike Harris signed it, Howard Hampton signed it on behalf of the third party and Dalton McGuinty refused to sign it. Here they are today actually standing up and saying, "We should do more with the federal health care system. The federal government should do more." It's a joke. Everything they campaigned on, anything they ever said in the past, is now history. You can't believe a word these people say any more, and here we are again.

The gas tax, the two cents a litre or whatever it was supposed to be: Not a penny of it is going to rural Ontario, and rural Ontario citizens pay into that system. They deserve to have money paid for their roads and their bridges, but it's going into transit for some reason, only in the urban centres. It's hilarious to listen to them.

The health care tax that we've watched: When we were in government for the nine years or the eight-and-a-half years, we increased health care spending by almost \$11 billion. These guys get into government for one year, they increase health care spending, and what do they do? They put in a premium to do it with. What do they do at the same time? They delist services: physiotherapy, chiropractic, optometry services.

We're getting hundreds of letters. I could come in here and speak for three hours with a pile of e-mails I've gotten from people who are already mad, including doctors, physiotherapists, chiropractors, etc., who are opposed to this. I could read this into the record.

They make it sound like it's actually rosy out there. We already know that housing starts are down in the province. We know that projected housing starts for next year will be down a further—I believe it's 12%. What do they do? Instead of trying to increase the people building

homes and helping the economy, what do they do? They take away the Ontario home ownership savings plan. They've reduced that. They've eliminated that with this bill that will become law, probably sometime in the next couple of days.

People who would have spent that money on washers and dryers or some furniture or maybe some work on their rec room—young homeowners—will no longer get that advantage, that \$2,500 they received before from the previous government over the last few years, which was hugely successful. Now, all of a sudden, it has disappeared with this bill.

Again, they get less. In fact, that list of tax credits—or we can now call it a tax increase—amounts to \$85 million, \$85 million right out of the pockets of the citizens of Ontario, particularly the young citizens.

What have they done for rural Ontario? I represent a large rural Ontario riding. They start with Muskoka and take it out of northern Ontario. Anything that could have possibly been a good step to help the great citizens of the district of Muskoka, in a mean-spirited attack, they've eliminated. This bill will take Muskoka out of the north. All those little communities like Mactier, Bala, Port Carling and Baysville—all those little places now will have a very difficult time, because those people on that side of the House, the Liberal government, think everybody in Muskoka has a home on Lake Muskoka. They don't realize the very difficult times some of those families have in Muskoka. Now this bill will eliminate it because of a mean-spirited attack on the former Minister of Finance, the great Minister of Finance, Ernie Eves. I can tell you that it's just heart-wrenching to see this kind of idiocy taking place with a piece of legislation like this.

We've seen the democratic renewal process taking place here today. Now we're finding out there's almost a Watergate type of scandal going on across the House, where we're seeing meetings being taped in secrecy. We're talking about democratic renewal here, and on the same day, at the same time, we're seeing the sneaky attempt at taping conversations at briefings. That's unbelievable. It's painful to think that you would actually do that to the citizens of the province, to the civil servants, and now to the opposition parties because they asked for a briefing.

I don't think Howard Hampton and Bob Rae ever did that—I know Ernie Eves and Mike Harris didn't—but suddenly now, we have to tape meetings. Why do we have to tape briefings? I've got to ask the deputy House leader today, because I'm wondering, are the House leaders' meetings being taped? I don't know. Are they being taped in secrecy? I don't know. Possibly they are, and it's a scary thought, but we can't do anything about it.

You're the government. You're going to pass this bill. You've time-allocated it. A lot of people on this side of the House wanted to speak to this bill, and now, here we are, on the last day, and it's being time-allocated so you can get out of here early. Mr McGuinty obviously doesn't want to face the press. He doesn't want to face the opposition. We've seen that today in the motion that

would have allowed a full hour of Qs and As under question period. We got cut off at 10 minutes each, or something.

1720

It's a pathetic day when a government that preaches time allocation on the last day of the House won't give the opposition parties even an hour of question period. We have discovered today this controversy, this corrupt type of movement, with this sneaky attempt at taping meetings. That's probably just the beginning of it, as far as we're concerned. You'll hear a lot more about it, come February 15. There'll be a lot more questions and answers asked on that as we move on.

We're more excited in this House about the pit bull legislation. That was an exciting way to end the session, with that wonderful bill that the Attorney General must be so embarrassed about now. We've hardly seen him in the House since he introduced it.

Those are the kinds of things that are difficult to understand from this side of the House as we move forward.

The Minister of Community Safety and Correctional Services has introduced three bills in this House since this government came to power. Three bills, and we have not had debate for one second on one of them. This is a government that is trying to pretend that they actually care about community safety, and we haven't debated one second of legislation in this House on Minister Kwinter's three bills that he's introduced so far. That's disgraceful.

Option four: Look what they've done to the Ontario Association of Chiefs of Police. With absolutely no consultation, the minister gave out a directive to eliminate option four, without one penny going back into helping the chiefs of police and the police service boards of the province of Ontario, wondering where they would find that money that option four made up.

Those are the types of things that become very alarming and very disgraceful for a government that's talking about democratic renewal. If you listen to the parliamentary assistant to the Minister of Finance, he actually thinks that things are rosy out there.

I can tell you, I spent a lot of time in my riding—and I will be particularly spending a lot of time in the next six or seven weeks—and what I've heard in the last few weeks is, things are not very rosy for Dalton McGuinty. People don't like him, people don't trust him, and they're saying that he campaigned on one set of principles and has completely discarded those—

Mr Peter Kormos (Niagara Centre): What do they call him, Garfield?

Mr Dunlop: I don't want to talk about what they call Mr McGuinty because I think the ordinary citizen in Ontario knows what Mr McGuinty is, and that's somebody they can't trust.

My colleague for Parry Sound-Muskoka will be speaking as well, but I did want to acknowledge a couple of friends of mine that Mr Kormos briefly introduced today: my friends Winnie Pickell and Margaret Williams,

who are with us here today in the gallery. Winnie works on my campaign team and she also helps me out during Parliament with fall fair displays and everything. Margaret is the daughter of a former colleague of mine at county council, Thelma Halfacre, who was the deputy mayor of Oro township. I'm so pleased that they could join me here this afternoon. Ladies, it's great to have you here in the House.

With that, we've had a long session. I'm not in a good mood—I don't know how everybody else is—but I'm happy to see that the session is coming to an end. I do want to say to the folks here in the House, to my colleagues and to the citizens of Ontario, I want to wish everybody the very best of the holiday season, a Merry Christmas and a very safe, healthy, happy and prosperous 2005.

Mr Howard Hampton (Kenora-Rainy River): I only have a few minutes to be able to speak to this bill, but I want to again put New Democrats on the record as to why we oppose this government's budget measures.

Let me see if I have this straight: someone named Dalton McGuinty staring into the camera saying, "I will not raise your taxes," and then, in this budget, tries to bring in a health premium, and has the audacity to come here to the Legislature and say, "It's a premium; not a tax. It's not a tax; it's a premium." Then, when labour unions look in their collective agreements and see that a health premium would have to be paid by the employer, what does Mr McGuinty say? "Oh, it's a tax; it's not a premium."

Interjection.

Mr Hampton: One of the government members said that sometimes I try to nail Jell-O to the wall. That's why I try to nail Jell-O to a wall. When someone like Dalton McGuinty looks into the camera and says, "I will not raise your taxes," then introduces something he calls a health premium and says it's not a tax, but as soon as labour unions read their collective agreements and discover that employers will have to pay the premium, flips again and says, "Oh, it's a premium; it's not a tax," that kind of Jell-O, that kind of flip-flop, that kind of—

Mr Kormos: Gelatinous policy.

Mr Hampton: —yes, gelatinous policy or that kind of disassociation with the truth has to be commented on.

Then there was the other promise: "I will not cut health care." What do Ontarians find in association with this budget bill? A lot of ordinary Ontarians need to see a chiropractor. Now, under Dalton McGuinty, that's cut. You'd better have a credit card if you want to see a chiropractor, because it's not covered by OHIP any more. Particularly in my constituency, a lot of industrial workers need to see a physiotherapist. They'd better have a credit card to see a physiotherapist now, because in Dalton McGuinty's definition of not cutting health care, that's cut.

All those Ontarians who need to see an optometrist—and believe me, it's important to see an optometrist. A lot of very serious afflictions and diseases are discovered when you see an optometrist. Optometrists are very good

at discerning our susceptibility to stroke. In fact, it is often an optometrist who tells people, "You know what? You've had a stroke," because they're able to test the vision. It's often an optometrist who able to say to someone, "You may not know this but it looks as if you are now afflicted by diabetes." These are important health care services provided by optometrists. But in Dalton McGuinty's definition of "I will not cut health care," this is now cut. You'd better have a credit card if you want to see an optometrist now in Dalton McGuinty's Ontario, because that doesn't cut it any more. That doesn't qualify as a health service insured by OHIP.

I apologize that I don't have more time to speak to this, because I have much more to say, but I think that summarizes it for New Democrats. When someone looks into the camera and says, "I will not raise your taxes," and then doesn't have the honesty initially to say, "I'm raising your taxes," but tries to call it a premium, except when somebody catches him in that little manoeuvre, then says, "Oh, no, it's not a premium; it's a tax," and someone who says, "I will not cut health care," and then cuts three health care services that ordinary Ontarians need, that ordinary Ontarians find very important, New Democrats have to oppose that.

It is wrong. It was wrong to tell people those things and not mean it. It is wrong to tell Ontario citizens those things and then do exactly the opposite. What's more, it's regressive and unfair, because the health tax goes after modest-income and moderate-income Ontarians. A single-parent mum with two kids and an income of \$30,000 a year will see her provincial income taxes increase by 4% as a result of this unfair and regressive health tax. Meanwhile, someone who has an income of \$300,000 a year will see his provincial income tax increase only 3%. That illustrates the degree to which this government's health tax is regressive and unfair and is specifically aimed at taking as much money as it can out of the pockets of lower-income, modest-income and moderate-income Ontarians. That's another reason New Democrats oppose it.

1730

Mr Norm Miller (Parry Sound-Muskoka): I have to tell you that this is a sad day for the people of Parry Sound-Muskoka, and I'm noting this day by wearing the Muskoka district pin on my jacket. This bill we're debating, Bill 149, is a bill that will remove Muskoka from the north and will hurt the people of Parry Sound-Muskoka.

First of all, I'd like to point out that it's being debated under time allocation rules, so that for third reading of the bill we get all of 17 minutes for the official opposition. The normal process, just for those out there who aren't aware, is that after second reading a bill will be referred to a standing committee of the Legislature. At that point, there is an opportunity for the public to come before the committee to give their perspective on the bill, to give input into the bill. Then it goes to clause-by-clause consideration, at which point members of the Legislature can make amendments to improve the bill.

The time allocation motion on this bill in fact missed the whole committee process completely, went from second to third reading, and we get all of 17 minutes, total, for the official opposition to debate this important bill. That is a very sad thing.

In the brief time I have, I'd like to talk a bit about some of the things to do with this bill. The mayors of Muskoka were invited down—or rather, they had a meeting arranged with the Premier of this province that they had been promised they would have before this bill passed. They went to go to that meeting, and the Premier bailed the day before, so they weren't able to present their case to him. They didn't get an opportunity to do that, and I think that's very unfortunate.

Prior to that, they had a meeting with the Minister of Finance, which came about because I asked a question of the Minister of Finance. In response, after that meeting, the chair of the district of Muskoka, Mr Gord Adams, received a letter from the Minister of Finance:

"Thank you very much for your letter following up on our meeting on July 12, 2004, regarding current challenges faced by the residents of the Muskoka district municipality. I appreciate your taking the time to come to Toronto with your colleagues from Muskoka to meet with me.

"The ministries of Northern Development and Mines and Municipal Affairs and Housing are working together with other concerned ministries to ensure a smooth and effective transition for Muskoka from northern programs to the appropriate rural programs.... As I noted at our meeting, the government will continue to consult with the district of Muskoka on other measures to ease transition to non-northern status."

I guess that's the government's idea of consulting.

What has happened since then? One of the biggest projects being funded by the northern Ontario heritage fund is the Muskoka wharf project, a very critical project for the town of Gravenhurst. The project was approved December 2001—a long time ago. Since then the town of Gravenhurst has been going ahead full speed on that project. The work is well underway. They've gone through a consultation process. If anything, the scale of the project has increased. It's about a \$60-million project.

What does "transition" mean for this government? It means the town of Gravenhurst recently learned that their \$4.9 million in approved funding has been slashed in half to \$2.5 million. This is very unfair for the town of Gravenhurst. It's going to hurt the people in the town of Gravenhurst. The town's total tax revenues are something like \$4.8 million.

As I mentioned, the mayors were of the understanding that they were going to have a meeting with the Premier prior to this bill being approved. They went down to Toronto and they didn't get their meeting with the Premier. They got a meeting with the Minister of Municipal Affairs and Housing. I'd like to quote from the Huntsville Forester shortly after that meeting:

"The Muskoka delegation was originally scheduled to meet with Ontario Premier Dalton McGuinty, but the

meeting with the Premier was cancelled and is being rescheduled for some time in January." That's going to be after this bill is passed.

A quote from Gord Adams:

"The minister wasn't able to promise us anything, but he was interested in what we had to say," said Adams, who argued that Muskoka was considered part of northern Ontario long before Mike Harris's government put it there in 2000.

"Adams recalled Muskoka being classified as part of northern Ontario in the mid 1960s until the electoral boundaries changed and Muskoka and Georgian Bay were lumped together."

I quote further along, "We are on the Precambrian Shield and we are a district. If you look at Ontario, northern Ontario is comprised of districts and southern Ontario is comprised of counties," said Adams.

The minister "said he could understand why we were upset. He was pleased to learn some of the history and that he would take our position forward."

"Muskoka was created, I think, 135 years ago, and for 110 of those we were part of northern Ontario," argued Adams. "I am hopeful until the Premier looks me in the eye and says, 'I believe this is the right decision for the government to make and this is why,'" said Adams. "That is part of the problem. We have been continuously asking for the evidence and information that has been used to support this decision."

The Premier has not looked the mayors of Muskoka in the eye. He has not been able to give them the reasons why Muskoka is being removed from the north.

I can tell you, this is going to hurt the people of Muskoka. We have seniors on fixed incomes, more and more retiring to Muskoka, who rely on the northern health travel grant that makes them able to afford to access medical care. We have the hospitals in Bracebridge and Huntsville, both in a deficit position, that rely on the funding they receive from the northern Ontario heritage fund. We have the municipalities that rely on the funding from the northern Ontario heritage fund.

This really is a slap in the face to the mayors of Muskoka, an insult to the people of Muskoka, that this government is going ahead, time-allocating this bill, ramming it through without allowing the mayors the chance to plead their case with the Premier of this province, as he said he would.

I just want to note one thing in the last 20 seconds I have. We had a briefing. The bureaucrats briefed the PC research staff—

Mr Dunlop: Were they taped?

Mr Miller: They probably were taped.

Unfortunately, I'm running out of time. I'm not even going to be able to make that important point I wanted to make.

I'm very disappointed that the government is ramming this legislation through and hurting the people of Parry Sound-Muskoka.

Mr Kormos: It is indeed regrettable that a bill with this kind of sad and tragic impact receives such little

debate time. It wasn't for want of trying on the part of the opposition parties, I'll tell you that. As it ends up, I'm going to be the last speaker in this Legislature in the year 2004. I have such little time.

As you know, Speaker, behind you are chairs for minions, various levels of minions. One of the people behind you, and perhaps for his last time, at least in his current status, is Bob Lopinski, because he tells me, and I was sad to hear, that he's moving on.

Let me tell you, if Dalton McGuinty was uncomfortable this afternoon—and he was—without Lopinski, he's in deep trouble, because Lopinski, as you know, was the issue management guy. He has been a busy camper. He has been a busy beaver, let me tell you, because it has been issue management after issue management. It has been minefield after minefield, broken promise after broken promise. So a guy like Lopinski, who's incredibly skilled and talented—I have no hesitation in saying that; I've known him for a good chunk of time—has got a right to spin. He comes in here at 7:30 in the morning, saying, "Oh, my goodness. What dung is going to cling to us today, because my job is to try to make it look like feathers?" That has been his job. So I certainly wish Bob Lopinski well, and I am pleased that he was able to drop in to the Legislature for its last sitting day, here to the chamber, of 2004.

Also sitting behind you, Speaker, is a young staff person here, a political staffer who has acquired some notoriety today, because during the incredible exposé of the surveillance taping, the surreptitious and clandestine taping of conversations between opposition members and civil servants, it is alleged that one of the staffers of the Minister of Finance, Mr Sorbara, and a young person whom I know to be extremely talented but I'm sure extremely obedient as well—he knows what side his bread is buttered on. I want Karim Bardeesy to know that already his colleague are calling him "reel-to-reel." He has been referred to as "eight-track" a couple of times. In more obscure references, one of his colleagues called him first "Grundig" and then "Wollensak."

1740

Of course, reel-to-reel Bardeesy, good old eight-track Bardeesy, is the political staffer, one of many, who was sent in there with the Wollensak recorder to develop those audiotapes so that they could be stored away with Lord knows what other confidential information that this government sends its staffers out collecting on members of the opposition. It's not a very attractive sight.

I want to be very, very clear. I expect that reel-to-reel Bardeesy will be using that old defence, that classic defence, "I was only following orders." I suspect that eight-track Bardeesy is going to say, "Look, they made me do it. If I didn't, I'd lose my job." Now, I anticipate that—I don't want to put words in his mouth—but I say to reel-to-reel, to eight-track Bardeesy, have you never heard of digital recording? They don't use tape any more. It's really illustrative of how this government simply doesn't get it right, ever, no matter how hard it seems to try. Integrated chip recorders are the way to go.

I want to tell you, before we wrap this up this afternoon, about a community of people here in Ontario, throughout Canada. These are diabetics who can't tolerate or safely use biosynthetic insulins, and currently they rely upon foreign sources for both beef and pork insulins for their survival. They have no supply of beef insulin, and only two pork insulins remain available, imported from the United States.

This community of good Canadians, Canadian diabetics, who simply cannot tolerate the biosynthetic insulins and have to use the more traditional beef and pork insulins for their survival, call upon this government to investigate the questionable safety of synthetic insulins and the deaths associated with the use of these insulins. They call upon this government to assist in the open importation of insulins from the United Kingdom, their only source of beef insulin, and call upon this government to halt any further withdrawal of pork insulin from the Canadian market and investigate providing a domestic supplier.

This community of diabetics who cannot tolerate biosynthetic insulins asks this government to identify ways to better inform the public and medical community about the dangerous side-effects of synthetic rDNA insulin and to ensure that diabetics, physicians, pharmacists and other health professionals are reporting suspected adverse reactions to Health Canada and to investigate the degree of influence that insulin manufacturers have on disease-related charitable organizations such as the Canadian Diabetes Association.

This community of Canadian diabetics who have negative and incredibly adverse reactions to biosynthetic insulins deserve attention from their government. While there were no petitions permitted today because of the government's refusal to allow us to extend routine proceedings to accommodate petitions, I'll be presenting a petition to the effect of the requests that I just made when we get back here in February.

Today was not a good day for the government. As a matter of fact, there have been very few good days for the government since October of last year. I'm hard-pressed to recall one, and here we are with pretty sparse pickings when it comes to members.

I don't know how many of these pages were here earlier this afternoon when I had occasion to have the floor. How many of you were here? How many weren't here? OK. Some weren't here, but having the chance to speak to those who weren't here, like I spoke to those who were—I'll dare to say that I speak for every member of the assembly, except maybe the occasional old curmudgeon who won't identify himself or herself; no two ways about it. I want to once again thank the pages for their incredible hard work over the course of the last four and five weeks and to tell them that we all appreciate your service here in the legislative chamber. We hope it was as positive and productive an experience for you as it was for us, because sometimes I think we learn more from you than you learn from us. So I wish you all a good holiday season. That is so politically

correct, but not inappropriate under the circumstances. As I told you earlier, I expect as a very old man to be watching the legislative channel and seeing some of you occupying some of the seats here in the legislative chamber. All of us wish you the very best. Thank you.

It's regrettable that the government ends this year in such a blighted way. The government has stumbled, fallen and will perhaps take so many down with it in this incredible scandal of surreptitious audiotaping and Lord knows what other types of surveillance, and in this government's bullying of hard-working and professional civil servants here in the province of Ontario. It is reprehensible. I, along with New Democrats sitting around me, have nothing but disdain for this government's abuse of its powers. We condemn this government's attempt to threaten, coerce and intimidate professional civil servants, and this government's lame and feckless effort to try to hinder the role of opposition members.

We're coming back in February, will come back next week if you want to, and regret that we weren't able to pass David Levac's Bill 3, protection of anaphylactic students. For the life of me, I don't know what Mr Levac, the member from Brant, has done to be punished like this by his own government. For the life of me, I don't know what he has done or hasn't done to leave such an important piece of legislation like Bill 3 in the dust, behind the accelerated bring-your-own-wine. Oh, please, bring-your-own-wine ain't going to save a single life. Bill 3 will. New Democrats have been clear and on the record from the get-go. We want to see Bill 3 become law. It appears that the Liberal House leader and the Liberal Premier do not share our passion for Bill 3. That is a shame.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004

SUR LES MESURES BUDGÉTAIRES (N^O 2)

The Speaker (Hon Alvin Curling): Pursuant to the order of the House dated December 7, 2004, I am now required to put the questions.

Mr Sorbara has moved third reading of Bill 106, An Act to implement Budget measures. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those against, say "nay."

I think the ayes have it.

The division on this bill will be taken once all questions have been put.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES BUDGÉTAIRES (AUTOMNE)

The Speaker (Hon Alvin Curling): Mr Colle has moved third reading of Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts. Is it the pleasure of the House that this motion carry?

All those in favour of the motion, please say "aye."
 All those against, say "nay."
 I think the ayes have it.
 Call in the members. There will be a five-minute bell.
The division bells rang from 1749 to 1754.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004

SUR LES MESURES BUDGÉTAIRES (N^O 2)

The Speaker (Hon Alvin Curling): Mr Sorbara has moved third reading of Bill 106.

All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Flynn, Kevin Daniel | Mossop, Jennifer F. |
| Bartolucci, Rick | Fonseca, Peter | Oraziotti, David |
| Bentley, Christopher | Gerretsen, John | Peters, Steve |
| Berardinetti, Lorenzo | Gravelle, Michael | Phillips, Gerry |
| Bradley, James J. | Hoy, Pat | Pupatello, Sandra |
| Broten, Laurel C. | Jeffrey, Linda | Qaadri, Shafiq |
| Brown, Michael A. | Kennedy, Gerard | Racco, Mario G. |
| Cansfield, Donna H. | Kular, Kuldip | Rinaldi, Lou |
| Caplan, David | Lalonde, Jean-Marc | Ruprecht, Tony |
| Chambers, Mary Anne V. | Levac, Dave | Sergio, Mario |
| Colle, Mike | Marsales, Judy | Smith, Monique |
| Cordiano, Joseph | Matthews, Deborah | Smitherman, George |
| Craiton, Kim | Mauro, Bill | Van Bommel, Maria |
| Crozier, Bruce | McGuinty, Dalton | Watson, Jim |
| Delaney, Bob | McMeekin, Ted | Wilkinson, John |
| Dhillon, Vic | McNeely, Phil | Wong, Tony C. |
| Dombrowsky, Leona | Meilleur, Madeleine | Wynne, Kathleen O. |
| Duguid, Brad | Milloy, John | Zimmer, David |
| Duncan, Dwight | Mitchell, Carol | |

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

| | | |
|------------------|-------------------|---------------------|
| Baird, John R. | Jackson, Cameron | Prue, Michael |
| Bisson, Gilles | Kormos, Peter | Scott, Laurie |
| Chudleigh, Ted | Marchese, Rosario | Sterling, Norman W. |
| Churley, Marilyn | Martel, Shelley | Tascona, Joseph N. |
| Dunlop, Garfield | Miller, Norm | Wilson, Jim |
| Hampton, Howard | Munro, Julia | Witmer, Elizabeth |
| Hudak, Tim | Murdoch, Bill | Yakubski, John |

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 56, the nays are 21.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

We will now open the doors for 30 seconds.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES
BUDGÉTAIRES (AUTOMNE)

The Speaker (Hon Alvin Curling): Mr Colle has moved third reading of Bill 149.

All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Flynn, Kevin Daniel | Mossop, Jennifer F. |
| Bartolucci, Rick | Fonseca, Peter | Oraziotti, David |
| Bentley, Christopher | Gerretsen, John | Peters, Steve |
| Berardinetti, Lorenzo | Gravelle, Michael | Phillips, Gerry |
| Bradley, James J. | Hoy, Pat | Pupatello, Sandra |
| Broten, Laurel C. | Jeffrey, Linda | Qaadri, Shafiq |
| Brown, Michael A. | Kennedy, Gerard | Racco, Mario G. |
| Cansfield, Donna H. | Kular, Kuldip | Rinaldi, Lou |
| Caplan, David | Lalonde, Jean-Marc | Ruprecht, Tony |
| Chambers, Mary Anne V. | Levac, Dave | Sergio, Mario |
| Colle, Mike | Marsales, Judy | Smith, Monique |
| Cordiano, Joseph | Matthews, Deborah | Smitherman, George |
| Craiton, Kim | Mauro, Bill | Van Bommel, Maria |
| Crozier, Bruce | McGuinty, Dalton | Watson, Jim |
| Delaney, Bob | McMeekin, Ted | Wilkinson, John |
| Dhillon, Vic | McNeely, Phil | Wong, Tony C. |
| Dombrowsky, Leona | Meilleur, Madeleine | Wynne, Kathleen O. |
| Duguid, Brad | Milloy, John | Zimmer, David |
| Duncan, Dwight | Mitchell, Carol | |

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

| | | |
|------------------|-------------------|---------------------|
| Baird, John R. | Jackson, Cameron | Scott, Laurie |
| Bisson, Gilles | Kormos, Peter | Sterling, Norman W. |
| Chudleigh, Ted | Marchese, Rosario | Tascona, Joseph N. |
| Churley, Marilyn | Martel, Shelley | Wilson, Jim |
| Dunlop, Garfield | Miller, Norm | Witmer, Elizabeth |
| Hampton, Howard | Munro, Julia | Yakubski, John |
| Hudak, Tim | Prue, Michael | |

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 56; the nays are 20.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, His Honour awaits.

The Speaker: Order. His Honour not being available, this House stands adjourned until 1:30 of the clock on February 15, 2005.

The House adjourned at 1804.

ERRATUM

| No. | Page | Column | Line(s) | Should read: |
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| 103 | 4958 | 1 | 31 | surpasses auto as the largest net contributor to |

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

| Member and Party / Député(e) et parti | Constituency / Circonscription | Other responsibilities / Autres responsabilités |
|---|--|---|
| Arnott, Ted (PC) | Waterloo-Wellington | First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative |
| Arthurs, Wayne (L) | Pickering-Ajax-Uxbridge | Parliamentary assistant to the Chair of the Management Board of Cabinet / adjoint parlementaire au président du Conseil de gestion du gouvernement |
| Baird, John R. (PC) | Nepean-Carleton | Opposition house leader / chef parlementaire de l'opposition |
| Barrett, Toby (PC) | Haldimand-Norfolk-Brant | Deputy Opposition whip / whip adjoint de l'opposition |
| Bartolucci, Hon / L'hon Rick (L) | Sudbury | Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines |
| Bentley, Hon / L'hon Christopher (L) | London West / London-Ouest | Minister of Labour / ministre du Travail |
| Berardinetti, Lorenzo (L) | Scarborough Southwest / Scarborough-Sud-Ouest | |
| Bisson, Gilles (ND) | Timmins-James Bay / Timmins-Baie James | Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique |
| Bountrogianni, Hon / L'hon Marie (L) | Hamilton Mountain | Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration |
| Bradley, Hon / L'hon James J. (L) | St Catharines | Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs |
| Broten, Laurel C. (L) | Etobicoke-Lakeshore | Parliamentary assistant to the Premier / adjointe parlementaire au premier ministre |
| Brown, Michael A. (L) | Algoma-Manitoulin | Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles |
| Brownell, Jim (L) | Stormont-Dundas- Charlottenburgh | Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée |
| Bryant, Hon / L'hon Michael (L) | St Paul's | Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique |
| Cansfield, Donna H. (L) | Etobicoke Centre / Etobicoke-Centre | Parliamentary assistant to the Minister of Energy / adjointe parlementaire au ministre de l'Énergie |
| Caplan, Hon / L'hon David (L) | Don Valley East / Don Valley-Est | Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint |
| Chambers, Hon / L'hon Mary Anne V. (L) | Scarborough East / Scarborough-Est | Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités |
| Chudleigh, Ted (PC) | Halton | Deputy Opposition whip / whip adjoint de l'opposition |
| Churley, Marilyn (ND) | Toronto-Danforth | Deputy New Democratic Party House leader / leader parlementaire adjoint du Nouveau Parti démocratique |
| Colle, Mike (L) | Eglinton-Lawrence | Parliamentary assistant to the Minister of Finance / adjoint parlementaire au ministre des Finances |
| Cordiano, Hon / L'hon Joseph (L) | York South-Weston / York-Sud-Weston | Minister of Economic Development and Trade / ministre du Développement économique et du Commerce |
| Craiton, Kim (L) | Niagara Falls | |

| Member and Party / Député(e) et parti | Constituency / Circonscription | Other responsibilities / Autres responsabilités |
|--|---|---|
| Crozier, Bruce (L) | Essex | Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative |
| Curling, Hon / L'hon Alvin (L) | Scarborough-Rouge River | Speaker / Président |
| Delaney, Bob (L) | Mississauga West / Mississauga-Ouest | |
| Dhillon, Vic (L) | Brampton West-Mississauga / Brampton-Ouest-Mississauga | |
| Di Cocco, Caroline (L) | Sarnia-Lambton | Parliamentary assistant to the Minister of Children and Youth Services / adjointe parlementaire à la ministre des Services à l'enfance et à la jeunesse |
| Dombrowsky, Hon / L'hon Leona (L) | Hastings-Frontenac-Lennox and Addington | Minister of the Environment / ministre de l'Environnement |
| Duguid, Brad (L) | Scarborough Centre / Scarborough-Centre | Parliamentary assistant to the Minister of Municipal Affairs and Housing (Urban) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Secteur urbain) |
| Duncan, Hon / L'hon Dwight (L) | Windsor-St Clair | Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement |
| Dunlop, Garfield (PC) | Simcoe North / Simcoe-Nord | Chief opposition whip / whip en chef de l'opposition |
| Eves, Ernie (PC) | Dufferin-Peel-Wellington-Grey | |
| Flaherty, Jim (PC) | Whitby-Ajax | |
| Flynn, Kevin Daniel (L) | Oakville | Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail |
| Fonseca, Peter (L) | Mississauga East / Mississauga-Est | Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée |
| Gerretsen, Hon / L'hon John (L) | Kingston and the Islands / Kingston et les îles | Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées |
| Gravelle, Michael (L) | Thunder Bay-Superior North / Thunder Bay-Superior-Nord | |
| Hampton, Howard (ND) | Kenora-Rainy River | Leader of the New Democratic Party / chef du Nouveau Parti démocratique |
| Hardeman, Ernie (PC) | Oxford | |
| Horwath, Andrea (ND) | Hamilton East / Hamilton-Est | |
| Hoy, Pat (L) | Chatham-Kent Essex | |
| Hudak, Tim (PC) | Erie-Lincoln | |
| Jackson, Cameron (PC) | Burlington | |
| Jeffrey, Linda (L) | Brampton Centre / Brampton-Centre | |
| Kennedy, Hon / L'hon Gerard (L) | Parkdale-High Park | Minister of Education / ministre de l'Éducation |
| Klees, Frank (PC) | Oak Ridges | |
| Kormos, Peter (ND) | Niagara Centre / Niagara-Centre | New Democratic Party House leader / leader parlementaire du Nouveau Parti démocratique |
| Kular, Kuldip (L) | Bramalea-Gore-Malton-Springdale | Parliamentary assistant to the minister responsible for democratic renewal / adjoint parlementaire au ministre responsable du Renouveau démocratique |
| Kwinter, Hon / L'hon Monte (L) | York Centre / York-Centre | Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels |
| Lalonde, Jean-Marc (L) | Glengarry-Prescott-Russell | Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports |
| Leal, Jeff (L) | Peterborough | Parliamentary assistant to the Minister of Training, Colleges and Universities / adjoint parlementaire à la ministre de la Formation et des Collèges et Universités |

| Member and Party / Député(e) et parti | Constituency / Circonscription | Other responsibilities / Autres responsabilités |
|--|---|---|
| Levac, Dave (L) | Brant | Chief government whip / whip en chef du gouvernement |
| Marchese, Rosario (ND) | Trinity-Spadina | |
| Marsales, Judy (L) | Hamilton West / Hamilton-Ouest | |
| Martel, Shelley (ND) | Nickel Belt | |
| Martiniuk, Gerry (PC) | Cambridge | |
| Matthews, Deborah (L) | London North Centre / London-Centre-Nord | Parliamentary assistant to the Minister of Community and Social Services / adjointe parlementaire à la ministre des Services sociaux et communautaires |
| Mauro, Bill (L) | Thunder Bay-Atikokan | Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines |
| McGuinty, Hon / L'hon Dalton (L) | Ottawa South / Ottawa-Sud | Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales |
| McMeekin, Ted (L) | Ancaster-Dundas- Flamborough-Aldershot | Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises |
| McNeely, Phil (L) | Ottawa-Orléans | |
| Meilleur, Hon / L'hon Madeleine (L) | Ottawa-Vanier | Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones |
| Miller, Norm (PC) | Parry Sound-Muskoka | Deputy opposition House leader / leader parlementaire adjoint de l'opposition |
| Milloy, John (L) | Kitchener Centre / Kitchener-Centre | Parliamentary assistant to the Minister of Intergovernmental Affairs / adjoint parlementaire au ministre des Affaires intergouvernementales |
| Mitchell, Carol (L) | Huron-Bruce | Parliamentary assistant to the Minister of Agriculture and Food / adjoint parlementaire au ministre de l'Agriculture et de l'Alimentation |
| Mossop, Jennifer F. (L) | Stoney Creek | Parliamentary assistant to the Minister of Culture / adjointe parlementaire à la ministre de la Culture |
| Munro, Julia (PC) | York North / York-Nord | |
| Murdoch, Bill (PC) | Bruce-Grey-Owen Scund | |
| O'Toole, John (PC) | Durham | |
| Oraziotti, David (L) | Sault Ste Marie | Parliamentary assistant to the Minister of Education / adjoint parlementaire au ministre de l'Éducation |
| Ouellette, Jerry J. (PC) | Oshawa | |
| Parsons, Ernie (L) | Prince Edward-Hastings | Parliamentary assistant to the Minister of Community and Social Services (Disabilities) / adjoint parlementaire à la ministre des Services sociaux et communautaires (Personnes handicapées) |
| Patten, Richard (L) | Ottawa Centre / Ottawa-Centre | Parliamentary assistant to the Minister of Economic Development and Trade (innovation) / adjoint parlementaire au ministre du Développement économique et du Commerce (Innovation) |
| Peters, Hon / L'hon Steve (L) | Elgin-Middlesex-London | Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation |
| Peterson, Tim (L) | Mississauga South / Mississauga-Sud | Parliamentary assistant to the Minister of Tourism and Recreation / adjoint parlementaire au ministre du Tourisme et des Loisirs |
| Phillips, Hon / L'hon Gerry (L) | Scarborough-Agincourt | Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement |
| Prue, Michael (ND) | Beaches-East York / Beaches-York-Est | Deputy New Democratic Party whip / whip adjoint du Nouveau Parti démocratique |
| Pupatello, Hon / L'hon Sandra (L) | Windsor West / Windsor-Ouest | Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine |
| Qaadri, Shafiq (L) | Etobicoke North / Etobicoke-Nord | |
| Racco, Mario G. (L) | Thornhill | |

| Member and Party / Député(e) et parti | Constituency / Circonscription | Other responsibilities / Autres responsabilités |
|--|--|--|
| Ramal, Khalil (L) | London-Fanshawe | Parliamentary assistant to the Minister of Citizenship and Immigration / adjoint parlementaire à la ministre des Affaires civiles et de l'Immigration |
| Ramsay, Hon / L'hon David (L) | Timiskaming-Cochrane | Minister of Natural Resources / ministre des Richesses naturelles |
| Rinaldi, Lou (L) | Northumberland | Parliamentary assistant to the Minister of Public Infrastructure Renewal / adjoint parlementaire au ministre du Renouvellement de l'infrastructure publique |
| Runciman, Robert W. (PC) | Leeds-Grenville | Leader of the Opposition / chef de l'opposition |
| Ruprecht, Tony (L) | Davenport | |
| Sandals, Liz (L) | Guelph-Wellington | Parliamentary assistant to the Minister of Community Safety and Correctional Services / adjointe parlementaire au ministre de la Sécurité communautaire et des Services correctionnels |
| Scott, Laurie (PC) | Haliburton-Victoria-Brock | |
| Sergio, Mario (L) | York West / York-Ouest | Parliamentary assistant to the minister responsible for seniors / adjoint parlementaire au ministre délégué aux Affaires des personnes âgées |
| Smith, Monique M. (L) | Nipissing | Parliamentary assistant to the Minister of Health and Long-Term Care / adjointe parlementaire au ministre de la Santé et des Soins de longue durée |
| Smitherman, Hon / L'hon George (L) | Toronto Centre-Rosedale / Toronto-Centre-Rosedale | Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée |
| Sorbara, Hon / L'hon Greg (L) | Vaughan-King-Aurora | Minister of Finance / ministre des Finances |
| Sterling, Norman W. (PC) | Lanark-Carleton | |
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First Session, 38th Parliament

**Assemblée législative
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Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 15 February 2005

Mardi 15 février 2005



Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 15 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 15 février 2005

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

GREENBELT LEGISLATION

Mr. Tim Hudak (Erie-Lincoln): Members of the opposition and the general public, concerned citizens, are getting increasingly upset with the lack of science and the government's failure to produce the environmental science used to set the greenbelt boundaries as part of their greenbelt legislation. In fact, you wonder why they've set aside and are stopping urban sprawl in Beaverton, stopping a Tim Hortons in Brock, but leaving wide-open sprawl all the way up to Barrie, making that long snake of traffic up the 400 even longer.

Group after group at the committee hearings told the McGuinty Liberal government to put the science out for the public for their purview, for their inspection, but they have yet to do so. They want to see the LEAR studies, the wetland studies that inform the decisions in the greenbotch plan. But, sadly, there's a growing realization that these decisions are based on political science by the Liberal campaign team and not at all on environmental science.

To give the government its due, the one LEAR study I did receive, the agricultural study, was for Ottawa-Carleton—far, far away from the greenbelt area, but at least they came forward with a LEAR study for Ottawa-Carleton.

And worse comes to worst: When we did a freedom of information request, an FOI, for the science behind the plan, they said, "You have to fork over \$1,400 to pay for the science." Taxpayers can't afford that. The government is hiding the lack of science behind this plan. Shame on them. Put it out in the public for public review.

TSUNAMI RELIEF

Mr. Lorenzo Berardinetti (Scarborough Southwest): I rise today to say a word of thanks to those in my riding of Scarborough Southwest and all of Ontario who assisted in the relief effort for South Asian countries affected by the tragic tsunami.

My riding and all of Scarborough is home to a significant population of South Asian immigrants. Even though they now call Ontario and Canada their home, they still maintain strong connections to their roots, and

in a time of desperate need they have come together to assist those affected by the tragedy. Truckloads of clothes and goods have been collected and transported overseas. Thousands of dollars in contributions, which have been matched by our federal government, have been made to aid agencies working hard to this day, and our own government provided an immediate infusion of \$5 million to the relief effort.

All this generosity and sacrifice is a testament to how well our province values, nurtures and draws strength from our diversity. Diversity is our province's greatest strength, and, as our Premier says, Ontario is a demonstration project for the world.

Again, Mr. Speaker, I would like to thank those in my riding and those across the province who have contributed in any way to the tsunami relief effort.

COMMUNITY SAFETY

Mr. Garfield Dunlop (Simcoe North): I stand in the House today to raise an important issue: the lack of attention by the McGuinty Liberals to community safety since their election in October 2003. Bills have been introduced by Minister Kwinter—

Interjection.

Mr. Dunlop: Very similar to agriculture, the lack of attention.

But none of these bills have been passed. None of these bills have received even one second of debate time in the Ontario Legislature: 17 months, and not one second of debate. As community safety and corrections critic, I look forward to the opportunity to debate Bill 110, Bill 128 and Bill 159, but I don't think the government has any idea whatsoever of bringing this forward.

Announcements have been made by Monte Kwinter, but almost every one of these announcements is what I like to call a zero-dollar announcement: It involves no money whatsoever, but it sounds good. Take, for example, the Premier's announcement back in October. That's the one about adding 1,000 new police officers. Not only is there no dollar amount in it; there's no mention of when we'll see even one of these new officers on the street. It appears that the McGuinty government has written off both the policing and firefighting communities, choosing instead to focus on areas like bringing your own wine to restaurants.

Minister Kwinter's stalling tactics are starting to wear thin on the stakeholders for which he is responsible. These people are tired of being stuck at the back of the

bus when it comes to the priorities of the McGuinty government. So now that the House is back in session, let's hear some law-and-order bills debated, and let's hear some real announcements, like adding the 1,000 new police officers that this government promised in their election platform.

TSUNAMI RELIEF

Mr. Kim Craiton (Niagara Falls): I am pleased to bring to the attention of this House the excellent work of the Lord Mayor of Niagara-on-the-Lake, Gary Burrows, through the community's annual Lord Mayor's fundraising dinner. Over the last 10 years, this event has raised over one quarter of a million dollars to support such diverse groups as the Theatre Beyond Words, the Niagara-on-the-Lake Historical Society, the Royal Canadian Legion, their new community arena and many more projects.

This year's project that they are working on is in support of Niagara College students' efforts to showcase the college's school of hospitality and tourism as they reach out to help the tourist area of Sri Lanka recover from the disastrous Christmas tsunami. The college's project involves sending a team of students to participate in the rebuilding of two communities and their tourism infrastructure. With extensive experience and expertise in international development projects, Niagara College is uniquely equipped to assist victims of this catastrophic event. The students will assist with hotel reconstruction, tourism development and environmental reconstruction plans.

I'm asking this House to join with me in wishing Lord Mayor Gary Burrows and the students of Niagara College, under the leadership of its energetic president, Dan Patterson, much success in this exciting venture.

HOSPITAL FUNDING

Mr. Gerry Martiniuk (Cambridge): A catastrophe has hit my fast-growing riding of Cambridge: The new wing and expansion of Cambridge Memorial Hospital has again been postponed by the McGuinty government. This project was approved back in 2002, and the good people of Cambridge and the region of Waterloo have already contributed their share of the project. The money is in the bank.

It is increasingly obvious that the McGuinty government has no health plan and that the expansion of Cambridge Memorial Hospital and about 35 other hospital capital projects around Ontario will be postponed indefinitely.

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The impact is severe. Our hospital is fast becoming crowded with the ever-expanding population. This means poor service. The lack of an expanded hospital will make it increasingly difficult to attract new doctors to our city, compounding the severe shortage we have now.

We now know that this government is spending new health tax dollars and federal funds in non-health areas,

contrary to its promises. I want to know when this project will proceed and will fight for the new wing and expansion of Cambridge Memorial Hospital. This is what Cambridge deserves and this is what we were promised.

I demand that the McGuinty government re-examine its priorities and put health care at the top of its list. Premier McGuinty, do the right thing: Keep your promises and restore capital funding for our hospitals in Ontario.

CHINESE NEW YEAR

Ms. Marilyn Churley (Toronto-Danforth): As our Chinese community celebrates the beginning of the year 4702 of the lunar calendar, on behalf of the New Democratic Party I'd like to extend our warmest wishes to our friends in the Chinese community for a happy, healthy and prosperous Year of the Rooster and to the many other cultures who are also celebrating their lunar new year at this time.

I am proud to represent a riding with a strong Chinese presence. I'm also honoured to be invited year after year to celebrate the new year together with my friends and neighbours at WoodGreen community centre; Eastview Neighbourhood Community Centre; SEAS Centre; the Chinese Chamber of Commerce, East Toronto; other associations in the greater Chinese community; and the seniors at Frances Beavis Manor, WoodGreen Seniors' Residence, Ray McCleary Towers, Greenwood Towers and Blair Court.

As the community celebrates its heritage and culture, we too have the opportunity and pleasure to celebrate the diversity and recognize the achievements of the community.

The Year of the Rooster signifies a year of spirit and vigour. The sign of the rooster indicates a person who is hard-working, confident and unwavering. This year, the roosters and the community can really crow about their accomplishments.

To all our friends who celebrate the lunar new year: Gong Hay Fat Choy.

Remarks in other Asian languages.

Happy New Year.

HEALTH CARE

Ms. Laurel C. Broten (Etobicoke-Lakeshore): Our government is concerned about better health care, and we continue to take steps to achieve shorter wait times for key services and more access for primary health care. Preventing illness and promoting wellness is key to keeping Ontarians productive workers and active citizens.

As part of our plan, we recently invested dollars to provide better patient care. We're improving patient care and employee health and safety by investing over \$340 million for new and upgraded medical equipment in hospitals and long-term-care homes. The residents in my riding of Etobicoke-Lakeshore are benefiting from these dollars.

In Etobicoke–Lakeshore, the Ivan Franko Home is receiving \$93,500, and \$50,700 is going to Garden Court Nursing Home. This investment will mean that the residents of Etobicoke will have better access to the equipment they need and the care they deserve. Facilities like Westburn Manor, which received over \$200,000, will now have the funding they desperately need for diagnostic medical equipment, new lifts and education initiatives.

Recently, I had the opportunity to visit Ivan Franko Home, the Garden Court Nursing Home and Westburn Manor, and I know that these additional resources will be put to great use to improve and expand the care residents receive.

Deana Bennett, the administrator for Garden Court Nursing Home, had this to say: “We are very excited about this announcement. This funding will directly improve the quality of life for our residents.” I could not agree more.

HOSPITAL FUNDING

Mr. Jeff Leal (Peterborough): The culture in our hospitals is changing, with hospitals making a concerted effort to find efficiencies and, for the first time, looking at administrative, non-clinical cuts before simply slashing nursing jobs.

Government is doing things differently as well, for the first time encouraging and rewarding efficiency instead of simply propping up an unsustainable system. Our bridge strategy will help reward and encourage innovation and efficiency and also address the needs of small rural hospitals. The steps we’ve taken have lowered the hospital cost curve, and we’ll continue to work to lower it further.

This process will stabilize the system and lead to predictable multi-year funding of the type that hospitals both need and have requested.

Our government has supported the Peterborough Regional Health Centre and we’ll continue to work with them, with over \$21 million invested in the Peterborough area. We have committed to providing over \$176 million toward building their new 500-bed facility. We have provided \$15.6 million to the hospital, since forming government, for nurses, new equipment and increases to base funding.

Today, there’s a story in the Peterborough Examiner about how the CCAC and the hospital are working together to increase access to home care for patients who are recovering from joint replacements. This reduces the stress on hospitals and allows them to focus on what they do best.

There are also new opportunities for family health teams and other health care initiatives in Peterborough to help ease the doctor shortage. With all the different parts of the system working together, the future is looking brighter and brighter indeed for health care in Peterborough, not the sorry Tory version of running health care in Ontario like the 407: a big rip-off.

LEADER OF THE OPPOSITION

Mr. Brad Duguid (Scarborough Centre): I’d like to say something about John Tory’s hidden health care agenda. Mr. Tory has criticized our plan to improve public, universally accessible health care for all Ontarians. But when questioned about his health care plan, Tory is “short on concrete alternatives.”

Interjections.

The Speaker (Hon. Alvin Curling): You had your chance to say your statement. Could I hear the member for Scarborough Centre?

Mr. Duguid: John Tory criticized our plan to improve public, universally accessible health care for all Ontarians. But when questioned about his health care plan, Tory is “short on concrete alternatives.” This is according to the Guelph Mercury.

The Guelph Mercury went on to say, “When reminded of specific Conservative policies under his predecessors Mike Harris and Ernie Eves, his stock answer was, ‘I wasn’t part of the decision-making in the past.’”

What a copout. He seems to have missed the fact that health care suffered its steepest decline on his party’s watch.

Tory does have one thing in mind, however, and we all know what it is. He wants a for-profit, privatized, two-tier health care system. When he spoke to the Registered Nurses Association of Ontario, Tory said this: “On the particular issue of non-governmental sector involvement in health care, I am aware of your position of being in favour of non-profit health care, and this may be an area where we agree to disagree.”

Can you believe that? I read that correctly. John Tory wants more for-profit health care, more privatized health care. It’s coming out bit by bit in what he says. We’re paying attention, the people of Ontario are paying attention, and we’re not going to let him—

The Speaker: Thank you.

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: Given that there has been no by-election called, I’d like to ask for unanimous consent to—

The Speaker: That’s not a point of order.

VISITOR

The Speaker (Hon. Alvin Curling): We have with us in the gallery today Mr. Murad Velshi, a former member of provincial Parliament representing the riding of Don Mills. He was in the 34th Parliament. Let’s join in welcoming him this afternoon.

RESIGNATION OF MEMBER FOR DUFFERIN–PEEL–WELLINGTON–GREY

The Speaker (Hon. Alvin Curling): I beg to inform the House that during the adjournment a vacancy has occurred in the membership of the House by reason of the resignation of Ernie Eves as member for the electoral

district of Dufferin–Peel–Wellington–Grey, effective February 1, 2005.

Interjections.

The Speaker: Order. Could I have some order, please?

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SPEAKER'S RULING

The Speaker (Hon. Alvin Curling): On December 16, 2004, the member for Whitby–Ajax, Mr. Flaherty, rose on a question of privilege to allege that ministry political staff had made unauthorized audio tapings of briefings given by civil servants to opposition members and their staff. The member claimed that the actions amounted to a breach of the privileges of individual members and of the House and that they also amounted to a contempt of the House. The member for Erie–Lincoln, Mr. Hudak, the member for Burlington, Mr. Jackson, the member for Niagara Centre, Mr. Kormos, the member for Toronto–Danforth, Ms. Churley, and the member for Timmins–James Bay, Mr. Bisson, also spoke on the matter.

According to the member for Whitby–Ajax and the member for Erie–Lincoln, the taping of the briefings they attended was conducted openly. According to the member for Burlington, the taping of the briefing he attended was conducted without his knowledge or consent.

The government House leader, Mr. Duncan, and the Minister of Finance, Mr. Sorbara, responded to the allegations.

I've had an opportunity to review the Hansard for December 16 as well as the assembly's precedents and the relevant parliamentary authorities.

Members made submissions on various legal matters, on access to information, on freedom of speech, on intimidation and obstruction, and on the authority and dignity of the House and its members. I shall address each issue in turn.

First, with respect to the legal issues, the member for Whitby–Ajax indicated that section 184 of the federal Criminal Code “has prohibitions with respect to tape recording and other interception of private communications....” In addition, the member for Burlington indicated that the Speaker should examine certain ministry legal opinions that would assist the Speaker in making a ruling on the question of privilege.

In response, I have to say that the Speaker cannot deal with legal issues in a ruling or give legal advice concerning the laws of Canada; courts are better equipped to address such matters. For examples of the many Speakers' rulings that stand as authority for this proposition, I refer members to rulings by Speaker Stockwell on January 28, 1997—at page 6538 of the Hansard for that day—and again on February 26, 1997—at pages 510 and 511 of the Journals for that day—and a ruling by Speaker Carr on April 30, 2001—at page 36 of the Journals for that day. Speakers have avoided addressing legal issues in rulings. It follows, therefore, that examining legal

opinions is not necessary in order to determine whether a *prima facie* case of privilege has been established.

The second issue raised by the question of privilege deals with members' access to government information that is provided by the civil service. Various members indicated that they have a right to such information and that the government cannot specify how civil service briefings are to be provided to members.

Let me begin my response to this submission by indicating that there are two kinds of parliamentary privilege. There is a set of individual privileges; for example, freedom of speech and freedom from arrest in civil actions. There is another set of collective privileges that belong to the House as a whole; for example, the power to discipline, the regulation of its own internal affairs, and the right to institute inquiries.

Marleau and Montpetit's House of Commons Procedure and Practice states at page 71 that “the rights, privileges and immunities of individual members of the House are finite, that is to say, they can be enumerated but not extended except by statute or, in some cases, by constitutional amendment, and can be examined by the courts.” In other words, the Speaker cannot create a brand new privilege where none now exists.

My review of our precedents and the parliamentary authorities suggests that there is no discrete category of parliamentary privilege that accords to members a right to information from the government or civil servants. I note, for example, that at page 427 of the Journals for December 13, 2000, Speaker Carr ruled on a question of privilege dealing with allegedly intimidating information on a government Web site, as follows:

“The right of members to government information is limited to what the standing orders provide. The standing orders do not provide members with a right to information, reliable or otherwise, from a government Web site.”

I do not want to leave the impression that members cannot access information. On the contrary, the standing orders give members certain rights to seek and receive information, and the Speaker has the duty to uphold those rights as a matter of order. However, an entitlement to a ministry briefing is not one of these rights.

This brings me to the third issue, freedom of speech, which is related to the previous issue because, according to various members, their right to government information is a component of members' freedom of speech. On this issue, the member for Burlington said the following:

“My freedom of speech, my voice in Parliament, and, by extension, the voice of my constituents on the floor of this Legislature is predicated on my ability and my right to access information that the government is obliged under the law to share, and public servants take an oath in order to uphold that.”

In response, let me say that members of this House do enjoy freedom of speech, which is often said to be the most important of members' individual privileges. House of Commons Procedure and Practice states, page 74, that “freedom of speech permits members to speak freely in

the chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution for any comment they might make.”

The same text indicates at page 71 that “privilege does not exist ‘at large’ but applies only in context, which usually means within the confines of the parliamentary precinct and a ‘proceeding in Parliament.’”

In the case at hand, the briefings did not revolve around words spoken by members in the House or in one of its committees. The briefings, then, are not parliamentary events capable of being protected by the privilege of freedom of speech. For this, let me add that members were able to exercise their freedom of speech and hold the government to account on this incident because, in the question period that followed immediately after the question of privilege on this incident, they were able to place oral questions about the very same subject matter.

The fourth issue raised in the question of privilege deals with the allegation that the taping of the briefings amounted to an attempt to intimidate and obstruct members and the civil service. In response, let me say that the obstruction and intimidation of members in the exercise of their parliamentary duties is a matter of contempt. Erskine May states at page 128 of the 23rd edition the following:

“Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence.”

House of Commons Procedure and Practice states at page 84 that “Speakers have consistently upheld the right of the House to the services of its members free from intimidation, obstruction and interference,” and that, quoting a ruling by Speaker Lamoureux, “parliamentary privilege includes the right of a member to discharge his responsibilities as a member of the House free from threats or attempts at intimidation.”

The same authority at page 84 refers to a 1986 ruling by Speaker Bosley of the Canadian House of Commons, where he indicates that for there to be a *prima facie* case, “the threat or attempt at intimidation cannot be hypothetical, but must be real or have occurred.”

1400

It also indicates at pages 91 and 92 as follows: “In some cases where *prima facie* privilege has not been found, the rulings have focused on whether or not the parliamentary duties of the member were directly involved. While frequently noting that members raising such matters might have legitimate complaints, Speakers have regularly concluded that members have not been prevented from performing their parliamentary duties.”

In our own assembly, I note that on June 19, 2001, Speaker Carr made the following ruling dealing with freedom of information requests by opposition members: “I understand that the member for Niagara Centre and the

member for Elgin–Middlesex–London contended that their effectiveness as members of provincial Parliament was being compromised by delays in receiving information that they had requested from the government. However, it is very clear to me that the government’s management process on contentious issues did not obstruct the members in their strictly parliamentary duties in this chamber.”

Thus, while I do agree that ministry briefings enable members to carry out their parliamentary duties in this House and its committees, the tenor of the authorities I have just referred to suggests that the briefings themselves do not amount to a parliamentary proceeding.

Furthermore, in respect of the alleged conduct in the case at hand, the member for Erie–Lincoln made a helpful reference to a 1984 ruling from the Canadian House of Commons. In that case, Speaker Francis had ruled that a *prima facie* case was established when a member alleged that his office had received threats and insults in an abusive telephone call from an employee of a crown corporation, because the member had not pre-cleared with the employee an oral question that he had placed to a government minister on the previous day. In the case at hand, however, no member alleges that this kind of threatening language was uttered. I note that the member for Erie–Lincoln refers to the taping as an “implied threat”; he also indicates that at one of the briefings a tape recorder was turned off when objection was taken to its use. In other words, there does not appear to have been a real, overt or demonstrated threat.

As for the allegation that civil servants were being intimidated or obstructed, there is no evidence to support the allegation. In any event, while there are rare circumstances when civil servants are entitled to the protection of parliamentary privilege, for example, when testifying before a committee of the House, such circumstances do not exist in the case at hand.

The fifth and final issue, raised by the member for Burlington and the member for Niagara Centre, was that the taping of the briefing was inherently offensive to the authority and dignity of the House and its members.

In response, let me first refer to the applicable authorities. House of Commons Procedure and Practice states at page 52 as follows: “Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results.”

In addition, Maingot’s Parliamentary Privilege in Canada states, at page 250 of the second edition, the following: “There are actions that, while not directly in a physical way obstructing the House of Commons or the member, nevertheless obstruct the House in the performance of its functions by diminishing the respect due it. As in the case of a court of law, the House of Commons is entitled to the utmost respect....”

In the case at hand, given that the briefings were not parliamentary events, a *prima facie* case of contempt of

the House on the basis that the tapings were an offence to the inherent authority and dignity of the House is not established.

Although I find that neither a *prima facie* case of privilege nor a *prima facie* case of contempt has been established, I do not want to leave the impression that the government of the day should do as it pleases when it comes to providing information to members of this House. The government is entitled to establish reasonable ground rules for briefings that it sponsors or provides. In some instances, Speakers of this assembly have not intervened when a member has complained about the denial of access to government information or about the government's imposition of certain conditions concerning a briefing. In other instances, however, Speakers have stated that the member who raised the matter had a grievance or complaint of which the government should take note.

I am inclined to take the latter approach in the case at hand. When it comes to electronically recording information, members, like most people, have a heightened sense of awareness or concern because of the purposes to which the recording could be used. In retrospect, it would have been prudent for the government to predict or better address the concerns of members attending the briefings. In any event, it is unlikely that there will be another occasion on which similar concerns will be raised, because the Premier has indicated that the practice of taping briefings given to opposition members is not acceptable and that it will be discontinued.

In closing, I thank the member for Whitby-Ajax, the member for Erie-Lincoln, the member for Burlington, the member for Niagara Centre, the government House leader, the Minister of Finance, the member for Toronto-Danforth and the member for Timmins-James Bay for their thoughtful and helpful submissions on this matter. Thank you.

Mr. Dave Levac (Brant): Mr. Speaker, on a point of order: In an unusual moment, I'd like to welcome, in the east gallery, the president of the—

The Speaker: Order. I suggested before the adjournment of the House that those who want to introduce anyone should pass it through the Speaker. I'd much prefer that.

Ms. Marilyn Churley (Toronto-Danforth): Mr. Speaker, on a point of order: I just have a quick question for you. Has your clock been cleaned in the interim?

The Speaker: Thanks for your observation. It has been cleaned and repaired.

2005, from the standing committee on government agencies, pursuant to standing order 106(e)9.

The report is deemed to be adopted by the House.

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Bob Delaney (Mississauga West): I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.

The Clerk-at-the-Table (Ms. Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act/ *Projet de loi 132, Loi modifiant la Loi sur la responsabilité des propriétaires de chiens pour accroître la sécurité publique relativement aux chiens, y compris les pit-bulls, et apportant des modifications connexes à la Loi sur les animaux destinés à la recherche.*

The Speaker (Hon. Alvin Curling): Shall the report be received and adopted?

All those in favour, please say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1410 to 1415.

The Speaker: Mr. Delaney has moved the adoption of Bill 132. Will all those in favour please rise one at a time to be identified by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthur, Wayne | Flynn, Kevin Daniel | Phillips, Gerry |
| Bartolucci, Rick | Fonseca, Peter | Pupatello, Sandra |
| Bentley, Christopher | Gerretsen, John | Qaadri, Shafiq |
| Berardinetti, Lorenzo | Gravelle, Michael | Racco, Mario G. |
| Bountogianni, Marie | Hoy, Pat | Ramal, Khalil |
| Bradley, James J. | Jeffrey, Linda | Ramsay, David |
| Broten, Laurel C. | Kular, Kuldeep | Rinaldi, Lou |
| Brown, Michael A. | Lalonde, Jean-Marc | Ruprecht, Tony |
| Brownell, Jim | Leal, Jeff | Sandals, Liz |
| Bryant, Michael | Levac, Dave | Smith, Monique |
| Cansfield, Donna H. | Marsales, Judy | Smitherman, George |
| Caplan, David | Matthews, Deborah | Sorbara, Gregory S. |
| Chambers, Mary Anne V. | McMeekin, Ted | Takhar, Harinder S. |
| Colle, Mike | McNeely, Phil | Van Bommel, Maria |
| Cordiano, Joseph | Meilleur, Madeleine | Watson, Jim |
| Crozier, Bruce | Milloy, John | Wilkinson, John |
| Delaney, Bob | Mitchell, Carol | Wong, Tony C. |
| Dhillon, Vic | Oraziotti, David | Wynne, Kathleen O. |
| Dombrowsky, Leona | Parsons, Ernie | Zimmer, David |
| Duguid, Brad | Patten, Richard | |
| Duncan, Dwight | Peters, Steve | |

The Speaker: All those against, please rise one at a time to be identified by the Clerk.

Nays

| | | |
|------------------|-------------------|---------------------|
| Baird, John R. | Hudak, Tim | Ouellette, Jerry J. |
| Barrett, Toby | Klees, Frank | Prue, Michael |
| Bisson, Gilles | Kormos, Peter | Scott, Laurie |
| Chudleigh, Ted | Marchese, Rosario | Tascona, Joseph N. |
| Churley, Marilyn | Martel, Shelley | Wilson, Jim |
| Dunlop, Garfield | Martiniuk, Gerry | Witmer, Elizabeth |
| Flaherty, Jim | Miller, Norm | Yakubuski, John |
| Hardeman, Ernie | Munro, Julia | |
| Horwath, Andrea | O'Toole, John | |

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Alvin Curling): I beg to inform the House that during the adjournment the Clerk received the report on intended appointments dated January 11,

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 61; the nays are 25.

The Speaker: I declare the motion carried. The bill is therefore ordered for third reading.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mrs. Linda Jeffrey (Brampton Centre): I beg leave to present a report from the standing committee on general government and move its adoption.

The Clerk-at-the-Table (Ms. Lisa Freedman): Your committee begs to report the following bill, as amended:

Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / *Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.*

The Speaker (Hon. Alvin Curling): Shall the report be received and adopted? Agreed. The bill is therefore ordered for third reading.

MOTIONS

COMMITTEE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I seek unanimous consent to put forward a motion without notice regarding committees.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent to put forward this motion? Agreed.

Hon. Mr. Duncan: I move that notwithstanding the order of the House dated Thursday, June 17, 2004, regarding the schedule for committee meetings, the standing committee on public accounts may meet at the call of the Chair on Thursday, February 17, Thursday, February 24, and Thursday, March 3, 2005.

The Speaker: Mr. Duncan moves that notwithstanding the order of the House dated Thursday, June 17, 2004, regarding the schedule for committee meetings, the standing committee on public accounts may meet at the call of the Chair on Thursday, February 17, Thursday, February 24, and Thursday, March 3, 2005.

Is it the pleasure of the House that the motion carry? Carried.

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Alvin Curling): Is there unanimous consent for the member to put forward—agreed? The government House leader.

Hon. Mr. Duncan: I move that Mr. Racco and Mr. Wong exchange places in order of precedence such that Mr. Racco assumes ballot item 72 and Mr. Wong assumes ballot item 50.

The Speaker: Mr. Duncan moves that notwithstanding standing order 96 (d)—

Interjections: Dispense.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I move that pursuant to standing order 9 (c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, February 15, 2005, and Wednesday, February 16, 2005, for the purpose of considering government business.

The Speaker (Hon. Alvin Curling): Mr. Duncan has moved government notice of motion 299. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1423 to 1428.

The Speaker: All those in favour, please rise one at a time and be counted.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Fonseca, Peter | Parsons, Ernie |
| Baird, John R. | Gerretsen, John | Patten, Richard |
| Barrett, Toby | Gravelle, Michael | Peters, Steve |
| Bartolucci, Rick | Hardeman, Ernie | Phillips, Gerry |
| Bentley, Christopher | Hoy, Pat | Pupatello, Sandra |
| Berardinetti, Lorenzo | Hudak, Tim | Qaadri, Shafiq |
| Bountrogianni, Marie | Jeffrey, Linda | Racco, Mario G. |
| Bradley, James J. | Kennedy, Gerard | Ramal, Khalil |
| Broten, Laurel C. | Klees, Frank | Ramsay, David |
| Brown, Michael A. | Kular, Kuldip | Rinaldi, Lou |
| Brownell, Jim | Kwinter, Monte | Ruprecht, Tony |
| Bryant, Michael | Lalonde, Jean-Marc | Sandals, Liz |
| Cansfield, Donna H. | Leal, Jeff | Scott, Laurie |
| Caplan, David | Levac, Dave | Smith, Monique |
| Chambers, Mary Anne V. | Marsales, Judy | Smitherman, George |
| Chudleigh, Ted | Martiniuk, Gerry | Sorbara, Gregory S. |
| Colle, Mike | Matthews, Deborah | Takhar, Harinder S. |
| Cordiano, Joseph | McMeekin, Ted | Tascona, Joseph N. |
| Crozier, Bruce | McNeely, Phil | Van Bommel, Maria |
| Delaney, Bob | Meilleur, Madeleine | Watson, Jim |
| Dhillon, Vic | Miller, Norm | Wilkinson, John |
| Di Cocco, Caroline | Milloy, John | Wilson, Jim |
| Dombrowsky, Leona | Mitchell, Carol | Witmer, Elizabeth |
| Duguid, Brad | Mossop, Jennifer F. | Wong, Tony C. |
| Duncan, Dwight | Munro, Julia | Wynne, Kathleen O. |
| Dunlop, Garfield | O'Toole, John | Zimmer, David |
| Flaherty, Jim | Oraziotti, David | |
| Flynn, Kevin Daniel | Ouellette, Jerry J. | |

The Speaker: All those against, please rise one at a time.

Nays

| | | |
|-----------------|-------------------|---------------|
| Bisson, Gilles | Kormos, Peter | Prue, Michael |
| Hampton, Howard | Marchese, Rosario | |
| Horwath, Andrea | Martel, Shelley | |

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 82; the nays are 7.

• **The Speaker:** I declare the motion carried.

MINISTER'S LETTER

Mr. Frank Klees (Oak Ridges): On a point of privilege, Mr. Speaker: I brought to your attention a point of privilege on the last day before the House rose, and I'd like to present my arguments at this point in time. I rise, pursuant to standing order 21, on a point of privilege, as I mentioned, with respect to which I gave notice in writing earlier today and brought to your attention on the last day of the last session. You may recall that I raised this matter and indicated that I would file the necessary documents regarding a contempt of this Legislature by the Minister of Education.

I quote from the 22nd edition of Erskine May, which explains the concept of contempt in the following terms: On page 108, Erskine May indicates, "Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such an offence being of its nature discretionary."

It goes on, on page 117, to state, "Indignities offered to the House by words spoken or writings published reflecting on its character or proceedings have been" constantly "punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them."

On page 120, we read, "Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts."

I offer a further definition of contempt from Marleau, edition 2000, in the House of Commons Procedure and Practice. It states, "Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt...."

On November 29, 2004, the Minister of Education wrote a letter addressed to school board chairs and directors and sent copies of that letter to members of the Ontario Teachers' Federation. In that letter, he stated that the government will fund salary increases for all education workers "of 2% for 2004-05, 2% for 2005-06

and, for four-year agreements, 2.5% in 2006-07 and 3% in 2007-08."

Further, in the same letter, the minister states that the boards would be guaranteed multi-year funding "once they enter into either a two- or four-year agreement."

On December 7, 2004, the Minister of Education held a press conference. He issued a press release at that time to publicly announce the new set of guidelines that had been outlined to school boards and unions across the province a week previously.

This was raised during question period in the Legislature on December 15, 2004. The Minister of Education was at that time asked how he could outline the government's plan in a written letter and a public announcement without, at the very least, first introducing legislation that would in fact permit those actions.

On December 16, 2004, the Minister of Education, apparently realizing that he had shown disrespect for members of the Legislature and the legislative and democratic process, introduced Bill 167. That was the act to repeal and re-enact section 277.11 of the Education Act.

That announcement was brought forward in such a way as to lead the public, and the stakeholders to whom it was directed, into believing that all that was required was a minor regulatory change, or in fact that the government was already acting with the necessary legislative authority, which would allow school boards to begin negotiating four-year contracts with their local unions. It also led the public and the stakeholders to believe that the government could simply dictate the salary increases for each of the four years.

Whether or not the government indeed has the authority to overrule and interfere with the collective bargaining process is a debate for another day. I do note that the OSSTF has taken exception to this action and has filed a labour board complaint against this minister as directly interfering with the bargaining process.

Speaker, I submit to you that these actions constitute a matter of contempt of the Legislature. It occurs in two separate and distinct ways, and we ask the Speaker to rule on both.

First, the minister anticipated legislation that had not yet been introduced to the House, and he presumed that when introduced, it would in fact be approved by the Legislature.

Second, the minister anticipated the budget and presumed that the budgetary measures required to fund his announcement—which upon further calculation would amount to in excess of \$1 billion over and above the current education budget, to fund the announcement that he made.

The government cannot in fact fund four-year contracts because section 277.11 of the Education Act states very clearly that collective agreements shall be for a term of three years. We can only conclude, therefore, that in making his announcement on December 7, 2004, the minister was in fact aware that existing legislation precludes the very negotiations that he directed the school boards and the unions to undertake. Nevertheless, he

chose to ignore that legislation until the 16th day of December, when he finally introduced Bill 167.

While government announcements on legislative activity regularly occur on the day that legislation is introduced, this was a full nine days from the date of the public announcement and 17 days from the date on the letter to the school boards and to the teachers' federations.

In fact, previous Speakers have ruled that announcements may indeed take place outside the Legislature. On February 1, 1983, Speaker Turner stated, "Although it is a courtesy to the assembly for a minister to release information in the assembly before releasing it to the press or the public, it is not a breach of the privilege ... of the assembly if this does not happen."

1440

One would think that Speaker Turner at that time could not have conceived of an occasion where the minister would contact stakeholder groups 17 days in advance and make a ministerial announcement nine days in advance of the introduction of enabling legislation.

The language of Minister Kennedy's announcement is specific. It does not contain a qualifying or conditional statement such as, "If passed, the legislation will allow," but states unequivocally that the government "will fund." That's a direct quote from his letter. The contempt by this minister, I submit, is that he presupposed legislation that had not even been introduced to the House for full debate and he presumed that honourable members here would approve the legislation. In fact, he rushed the legislation into the House to avoid a contempt motion, as he was advised by the official opposition on the previous day that his actions and statements could not be achieved under the current, existing legislation.

Had the legislation been introduced on December 7, the minister would be in contempt, because his announcement still presupposed and presumed the passage of the legislation. His letter to the boards of education dated November 30, 2004, instructing the boards and federations to proceed is full indication of this. The minister presupposes and prejudices the results of the Legislature by his actions.

Other Speakers have ruled that contempt of the Legislature occurred in similar circumstances. Speaker Fraser, on September 25, 1989, chastised the government over advertising that presupposed the passage of the GST. He stated:

"This advertisement may not be a contempt of the House in the narrow confines of a procedural definition, but it is, in my opinion, ill conceived and it does a great disservice to the great traditions of this place. If we do not preserve these great traditions, our freedoms are at peril and our conventions become a mockery. I insist, and I believe that I am supported by the majority of moderate and responsible members on both sides of the House, that this ad is objectionable and should never be repeated."

On March 28, 1994, Speaker Warner, in the Legislative Assembly of Ontario, stated:

"On Monday of last week, the member for Nepean (Mr Daigeler) rose in the House on a question of privilege concerning an advertisement that had appeared in certain newspapers in the Ottawa-Carleton area." These advertisements were about Bill 77, which was before the House at that time at first reading—"remarks which can be interpreted as suggesting that the bill would become law by a specified time even though the bill had only received first reading."

Mr. Warner goes on to say that he had reviewed the ad that appeared on February 8, 1994, in the issue of the Ottawa Citizen in light of parliamentary authorities. He then refers to Speaker Fraser and states the following:

"In the course of ruling that there was no case for breach of privilege or for contempt, Speaker Fraser of the House of Commons found that the advertisements" that were referred to in the federal House "were essentially informational in nature and that there was no intention to infringe the privileges of the House."

He states finally: "In view of these rulings and ... careful consideration of the present circumstances, I find that a prima facie case has not been made out.

"However, I want to say to the minister that this action has come very close to contempt, and in the future the minister should exercise more caution and exhibit greater respect for the proprieties of this House."

Finally, Speaker Stockwell, in Hansard, Legislative Assembly of Ontario, January 22, 1997, when presented with a very similar situation, ruled on his concern related to wording of government documents, stating as follows:

"I am very concerned by the ministry pamphlet, which was worded more definitely than the commercial and the press release. To name but a few examples, the brochure claims that 'new city wards will be created,' that 'work on building the new city will start in 1997,' and that 'the new city of Toronto will reduce the number of municipal politicians.'"

Speaker Stockwell's concerns are the same as mine, as I raise this point of contempt. He goes on to state in his ruling:

"How is one to interpret such unqualified claims? In my opinion, they convey the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a pro forma, tangential, even inferior role in the legislative and lawmaking process, and in doing so, they appear to diminish the respect that is due to this House. I would not have come to this view had these claims or proposals—and that is all they are—been qualified by a statement that they would only become law if and when the Legislature gave its stamp of approval to them...."

"Considering the fact that Speaker Warner issued this very stern warning to the very ministry that I am dealing with today," Speaker Stockwell goes on to say, "I would consider this ministry to have been given fair warning.

"It is not enough for yet another Speaker to issue yet another warning or caution in circumstances where the wording and circulation of the pamphlet appear on their

face to cross the line. I say in all candour that a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions.

"For these reasons, I find that a *prima facie* case of contempt has been established."

The November 29 letter written by the minister to the boards of education does not state that the legislation, if passed, will provide for four-year collective agreements. The letter states, under the heading of "Multi-Year Funding Guarantee," "We want to make clear that multi-year funding is guaranteed at the above levels to all boards once they enter into either a two- or four-year agreement."

Under a further subheading, entitled "Stability Terms," the minister advises that "the government intends to introduce legislation to change existing mandated three-year terms to two- and four-year terms for all teacher agreements."

Nowhere in this letter telling the boards to begin working on four-year collective agreements does it state that the enabling legislation, if passed—nowhere is there that qualification. It says simply that the government will introduce legislation. It gives no timetable for such an introduction and certainly gives no indication that it must be approved by this Legislature. It counsels school boards to begin negotiations in contravention of the Education Act which was in force at the time the minister wrote the letter and is still in force today.

Mr. Speaker, I submit to you that when you consider the actions of the Minister of Education in the matter before you, you must find that his actions have similarly undermined respect for the role of honourable members in this House and have indeed left the public and stakeholders of the ministry confused about how parliamentary democracy works.

The second contempt by this minister occurs when he announces future spending by this government. I quote from his letter to the school boards and directors of education dated November 29, 2004: "2% for 2005-06 and for four-year agreements, 2.5% in 2006-07 and 3% in 2007-08."

The letter goes on to say that "funding is guaranteed at the above levels to all boards, once they enter into either a two- or four-year agreement."

The minister is anticipating future budgets not yet introduced or even contemplated until the spring of 2005. Recently the Minister of Finance himself said that he would not speculate on what is in the budget when asked if he would raise taxes. How, then, can this minister not only speculate but guarantee specific funding to school boards?

The precedent for this is the Carr ruling against the government of the day for presenting its entire budget outside the Legislature and in advance of tabling of same. While this is not a budget, it is a future budget item and the parallel is exactly the same.

1450

Legislatures have long held the privilege of reviewing and debating all government expenditures and revenues, and they expect it. The tradition goes back centuries where the crown appears before the Commons to beg leave for the raising of taxes and expenditures in the person of the minister of the crown.

Speaker Carr stated on May 4, in a ruling citing many references, "Ontarians are rather fond of their traditional parliamentary institutions and parliamentary processes, and they want greater deference to be shown towards the traditional parliamentary forum in which public policies are proposed, debated and voted on.... A mature parliamentary democracy is not a docile, esoteric or one-way communications vehicle; it is a dynamic, interactive and representative institution that allows the government of the day to propose and defend its policies—financial and otherwise. It also allows the opposition to scrutinize and hold the government to account for those policies. It is an open, working and relevant system of scrutiny and accountability. If any members of this House have a problem with the concept of parliamentary democracy, then they have some serious explaining to do."

Finally, in coming to his ruling, Speaker Carr poses several questions, one of which stands out and is particularly apt in this case: "If left unchallenged, will this incident not embolden future governments to create parallel, extra-parliamentary processes for other kinds of events that traditionally occur in the House?"

He then wonders to what extent the process undermines "the representative, scrutiny and accountability functions of Parliament."

In his response to Speaker Carr's ruling and speaking in the ensuing debate in this House, the current Minister of Education, who was then the education critic, stated the following: "Why is this room at all special? Why do the people who come here have any rights on behalf of the rest of the people of Ontario? Why do we have people who arrive in pointed hats and a Speaker sitting in a chair? Because there is something in this room that is bigger than our individual concerns, the political parties that employ us, the petty agendas we sometimes can fall prey to. That's this place." He goes on in the course of his remarks to state how important this place is, and the procedures and the rights of individuals to have an opportunity to vote on these issues.

The minute that we make light of this place, the minute that a minister of the crown presumes the actions of the Legislature, that is the point at which we not only lose the respect of our constituents who have sent us here to do the business of government, but we undermine the very premise of this place.

Speaker, I would ask you to consider seriously the matters that I have put before you and to rule in favour of the argument that I make that will in fact establish and re-establish the important role that we, as legislators, have in this place and that will ensure that no ministers of the crown of any government would ever conduct themselves the way this minister has done.

The Speaker (Hon. Alvin Curling): On the same point, the government House leader.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Thank you, Mr. Speaker. I've had the opportunity over the recess to review the appropriate correspondence and I would like to address the member's point of privilege at some length today, to ensure that you have a number of other rulings in your possession and have all of the information that will be important to your decision.

I would, first of all, like to address the correspondence in question, which I have reviewed at great length. I'd like to suggest, Mr. Speaker, that the purpose of the letter is very clear in its intent from the beginning. It states, "I am pleased to write to you today to convey information about ways the ministry wants to bring more support and more clarity to school board spending decisions in this school year." The letter goes on to say—and I think this is important to note, as the member did note—"As you know, since coming to office, our government has increased education funding by \$1.1 billion."

The Speaker: Order. I'd just like the member to respond to the point of privilege. It's not a speech to the audience here. Could you please—

Hon. Mr. Duncan: This goes to the intent of the letter and the wording in the letter, because the member raised in his point the conditional nature of the verbs that he alleges weren't used. In fact, a number of conditional verbs and the conditional tense were used throughout the letter. So I will go on to refer to the other ones, then.

Again, "the ministry wants to bring more support and more clarity to school board spending decisions in this school year and beyond." Again, the letter uses words like "intends," "proposes," "wants," and concludes by expressing the minister's hope for feedback. We want feedback to these items and to these initiatives. The tone is certainly not definitive, and it neither indicates a presumption of passage, nor does it dismiss the Legislature's superior role.

Further, the target audience for this correspondence is limited to the stakeholders who would be affected by this legislation, not the general public. Stakeholders need not only to be consulted, but also to be made aware of the proposed changes.

I refer to Speaker Carr's ruling on September 25, 2000, and let me begin again by giving context to that particular ruling. The then assistant Deputy Minister of Education sent out a memorandum to directors of education across the province on a bill that was currently before a standing committee of the Legislature. It was argued that the terminology used in the memo was definitive on the outcome of the bill in committee and in the House.

Mr. Speaker Carr ruled that it did not constitute a prima facie case of contempt or a violation of members' privileges on three grounds: First, he ruled that the audience was not, strictly speaking, a public one, which is the same as the current case we are now considering. Secondly, he ruled that the group involved needed to

commence plans to implement the proposed changes, even if only on a contingency basis. Finally, Mr. Speaker Carr ruled that the Ministry of Education was obliged to share proposed changes with their partners in education to ensure that prudent planning would take place. I believe the same logic applied to that ruling should apply to this situation.

Next, I refer you to a ruling in the House of Commons on October 10, 1989, concerning government advertising that suggested certain fiscal measures, which had yet to be passed by the House, would become law. Speaker Fraser of the House of Commons found that the advertisements were essentially informational in nature and that there was no intention to infringe on the privileges of the House. I would submit that the correspondence in question was informational in nature, too. This government consults, this government is transparent, this government wants to work with the people in the education sector, unlike previous governments.

Further, I refer to Speaker Carr's ruling on June 25, 2001. In this case, a private member issued a press release which advised his intention to introduce a bill. It was argued the release implied not only that the bill had already been introduced, but also that the bill was law and binding on the government. Speaker Carr ruled that in no way was the ability of members to continue debate on the issue affected.

Speaker, I see no basis for the member's point of privilege. The tone of the correspondence does not presume the passage of the legislation, but instead seeks feedback and allows for planning. As illustrated in numerous precedents, in no way are the members' privileges compromised. This point of privilege, in our view, was an inappropriate use of the Legislature's time today.

The Speaker: Thank you. Further response on the same point of privilege?

Hon. Gerard Kennedy (Minister of Education): On the same point of privilege, Mr. Speaker: I appreciate very much the contribution from the learned House leader on the points of process, and I would add only two small points of relevant context, which would be that, in the Ministry of Education, there is ample precedent for giving boards an indication ahead of time of where funding is coming from. For example, the previous government made promises both through the budget and subsequent communications for three-year funding, and all our government has done is express an intent based on the budget, and at the time of the budget we had already made this indication. In fact, if you look at the budget tables, it supports multi-year funding to different ministries, including the Ministry of Education. I would submit that that should be separated out from any note of complaint from the member opposite.

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Further, I would just note that the previous government did set a term in legislation for contracts, but I would just ask you to be aware that the term has a certain application. In other words, it does not apply to all the contents of the contract, and the labour act and other

pieces of legislation actually supersede anything that is in the Education Act having to do with that. So in fact boards are required to enter into terms that last for three years, but the actual contents don't have to match those three-year terms. All I'm saying to you is that the audience for this particular communication, information about the government's intent, was aware of those kinds of sophisticated elements and it would put all of the information in context.

Finally, I would just say that there have been a number of occasions when the member opposite has been trying to impute motive or assign motive for various actions. All I would say is that our motive was very clear, and expressed in the communications that we intended to introduce on the appropriate legislation. We did that; we did exactly what we said we would do in that respect, and we are contributing thereby to the better functioning of education and labour peace in that sector.

The Speaker: I want to thank the member from Oak Ridges for giving me notice of the point of privilege. I'll take this under consideration and get back to you. I want to thank the Minister of Education and also the government House leader for their contribution toward this. I will get back to you as soon as possible on this matter.

Mr. Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I'm seeking unanimous consent that, notwithstanding the standing orders, there be one hour dedicated to question period today.

The Speaker: You're raising a point of order—

Interjection.

The Speaker: Order—and I'm trying to address it. Do we have unanimous consent for the extension of time?

I heard a no.

STATEMENTS BY THE MINISTRY AND RESPONSES

ACCESS TO HEALTH CARE

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm delighted today to rise in this chamber to talk about some of the important steps we're taking to improve access to quality health care for all Ontarians.

Health care is of course a priority for this government, as it is a priority for all Ontarians. In the past 15 months or so, we've taken great strides in transforming a system that has been badly neglected and mismanaged under the Tories. The health care system we inherited did not have enough doctors or nurses. Wait times were long, and getting longer. Equipment was too old. As a result, Ontarians did not have access to the level and quality of care that is theirs by right of citizenship in this province. We're changing that.

My colleagues have heard me speak many times about the need to drive health care into the community, to

improve the front-line primary care that is the key to a high-quality, sustainable health care system, and we have made unprecedented investments in community-based health care in order to relieve the pressures on our hospitals, freeing them up to provide the kind of acute care they alone can. These investments are also ensuring that wherever possible, patients receive the care where they need it most: closer to their communities and their homes.

Today I had the pleasure of announcing another investment that will help to accomplish those things. We're investing \$1.6 million to provide our 49 community health centres across Ontario with new diagnostic equipment, everything from examination tables to electrocardiograms. The funding comes from the diagnostic and medical equipment fund that was made available to Ontario as part of the 2003-04 federal, provincial and territorial agreements. As members are well aware, Premier McGuinty was instrumental in negotiating the second of those at the 2004 first ministers' meeting.

Community health centres perform a unique and critically important function in our health care system. They offer services to people who otherwise might have difficulty receiving health care, people who face barriers such as language, culture, physical disabilities, homelessness, poverty or geographic isolation. CHCs feature doctors, nurses, nurse practitioners, social workers and other health care professionals working together as a team, because health care, that most human of endeavours, is best when it's delivered by a team.

CHCs represent the kind of approach that we are expanding upon throughout Ontario, a new model called family health teams. The investment I am announcing today will help equip these teams with the tools they need to continue to offer the very best health care services to Ontario communities. This is just the latest in a series of investments we've been making, designed to improve Ontarians' access to health care by ensuring that our front-line professionals have the most up-to-date, modern technology so that they can deliver the best possible care.

Earlier this month, we announced more than \$120 million to reduce wait times by increasing the number of MRIs and CT scans, cardiac diagnostic procedures and cancer radiation treatments. In all, as a result of that investment, we are delivering 119,865 additional critical procedures. With the combination of these new MRIs that we brought to hospitals, the hours that we expanded at existing MRIs and the upgraded MRIs we announced a few weeks ago, our government has increased access to MRI services in this province by 19.3%. A week later, we announced another investment of \$340 million in new and upgraded medical equipment for hospitals and long-term-care homes—and some of those went to Trinity-Spadina—everything from patient lifts to X-ray machines to whirlpool baths. I'm sure it will interest my colleagues to know that our investments this year represent the single largest investment in diagnostic and medical equipment in this country's history.

We're acting to ensure that Ontarians receive the care that they need in the right place, in a timely manner, and that modern, up-to-date therapy, services and equipment are on hand for the proper delivery of that care. We are acting, and we are going to continue to act. In the weeks to come, we will be announcing further investments in medical equipment at the community level.

Now, the common theme running through all of these announcements is improved access to the best possible care in our hospitals and in our communities. Ontarians should not have to wait too long for the health care services that they need, and when they receive those services, they should have the confidence that they're getting the very best. This is, quite simply, our government's plan for health care, and with every new investment, with every progressive initiative, we are moving to improve health care services for the 12 million Ontarians we're proud to serve.

FOOD SAFETY

Hon. Steve Peters (Minister of Agriculture and Food):

As you know, the McGuinty government is committed to protecting the health and safety of Ontario's citizens. Food safety is, and will continue to be, one of our number one priorities. That's why we brought meat inspectors back into the public service. That's why we introduced a new health and safety system for small and medium-sized food processors. That's why we commissioned Justice Roland Haines to conduct a review of Ontario's meat inspection system in January 2004. Justice Haines's extensive work culminated in a report that was submitted in July of last year, and we are committed to acting on his recommendations.

So I am pleased to announce that last week we took another step to better protect Ontarians' health by proclaiming the Food Safety and Quality Act and promulgating a new, stronger meat safety regulation under the act. By doing this, we have fulfilled Justice Haines's very first recommendation and responded to several others. The Food Safety and Quality Act is enabling legislation that enhances the provincial government's capacity to maintain high standards of food safety, protect consumer health and, most importantly, increase the marketability of Ontario products.

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This government has acted to proclaim this regulation, and it will give substance to the new regulation. The previous government did not see the importance of making this happen.

As recommended by Justice Haines, the new meat inspection regulation is strengthened, broader in scope than the previous legislation, and is harmonized with national standards.

The regulation will be phased in to ensure that the requirements protect public health and safety; that means providing information and training to the industry regarding its responsibilities and making sure that the government has enough fully trained staff.

We will be consulting with the health, animal welfare, environment, meat industry, and agri-food sectors.

We are providing over \$25 million in transitional funds, over three years, for the meat industry to assist processors in meeting the requirements of the new regulation.

We want to ensure that the meat industry is provided with enough time and support to be able to comply with the regulation without unnecessary disruption. By June 1, 2005, provincially licensed abattoirs and large free-standing meat processors will be subject to the new regulation. All free-standing meat processors will need to comply by October 1, 2006.

The people of Ontario will benefit from new, stronger meat safety standards. They will rest assured that the meat they eat is safe. Ontario's meat industry will also benefit from the new regulation, as consumer confidence in their products is strengthened.

As Justice Haines indicated, Ontario has a good food safety system. We are committed to making it a world-class system.

ACCESS TO HEALTH CARE

Mr. John R. Baird (Nepean-Carleton): When I heard that the Minister of Health was coming into the House to make a statement, I was encouraged. I thought he would be standing in his place and talking about a solution to the crisis in Ontario for a number of patients with Fabry disease. In Ottawa, we have a very serious case where a woman is in dire circumstances. She has missed two treatments now. I thought the minister would be standing in his place in this House and would be doing the right thing.

Enzyme replacement therapy was first promised to patients by the minister last summer. Coverage is provided in 40 other countries, including the United States, but is not here in Ontario, where it should be recognized as a life-saving treatment. This life-saving treatment is no longer being provided to patients. There's one patient in the west end of the city of Ottawa who is now at risk of stroke and kidney failure, and she's not the only one. Literally tens of thousands of people in Ottawa are now responding to this woman's plight. CFRA radio has made this a huge priority.

I want to give notice to this minister that Conservatives in this Parliament will be fighting on behalf of the patient in Ottawa and patients right across Ontario. He was warned for months and months that it would be this way by Elizabeth Witmer, who raised this issue time and time again. Unfortunately, it's getting worse, not better.

I would have thought the Minister of Health would have been rising to apologize for what he is doing to nurses in the province of Ontario.

Look at what the Ontario Nurses' Association has to say about this government: "The McGuinty government has done a 180-degree turn from its stated commitment during the election to protect patient care and hire 8,000

full-time ... nurses." Who said that? The president of the Ontario Nurses' Association.

She says that "Nurses believe they are being used as pawns" by this government. "They no longer believe this government is committed to restoring nursing care, protecting patients and making positive changes in nurses' working lives." What does the Ontario Nurses' Association say? They say, "Layoffs will deeply affect patient care."

When this minister was questioned about the 2,000 nurses who were going to be laid off, he simply said, "Oh, it's only 757 nurses who will be laid off." That's a shame.

Ontario nurses, Ontario Conservatives and Ontario patients want to know where the \$9.5 billion in missing money from their new health tax and from the federal government are going.

FOOD SAFETY

Mr. Ernie Hardeman (Oxford): I'd like to commend the Minister of Agriculture and Food for announcing that he is going to do something to help reassure the consumers of Ontario about the quality of our food and to make food even safer in the province, and I think all of us in this Legislature and in fact all of the people in the province would support that.

I was a little concerned with his announcement. He didn't include anything about the fact I mentioned to him before Christmas as to what he was going to do if there is a work stoppage in the civil service and we no longer have inspectors in our abattoirs. I thought he would have an announcement to tell us what he was going to do with that. But I think what's more important is that he doesn't seem to realize that there is a problem in agriculture in rural Ontario that he wants to hide from. In fact, I noticed he's changed his looks so he can travel incognito in our communities. The farmers have taken to the streets because of the problems that exist in agriculture.

The minister made an announcement this morning in a little shop where ground beef was selling for \$5.29 a pound. The farmer is getting somewhere around \$1.50 for that same meat and all the rest is going into the system, but the farmers can't pay their bills. In the past, we've had governments that supported the agricultural community by putting safety nets in place and sending cheques to the farmers. This minister keeps making announcements but doesn't send the cheques. A lot of the people in my community are waiting for their CAIS payment for 2003. Here they are, looking at trying to plant their crops for 2005; they can't do it.

Another sector of our agricultural community is the tobacco industry, which the minister personally represents. We have the tobacco farmers in our gallery again today to try and impress on the minister that something needs to be done. The minister stood in front of 900 tobacco farmers and said, "We're going to increase taxes, but because of that impact, we will also put in a \$50-million transition fund. We are already planning that fund

and, as soon as we get it in place, we will give you the money." That was over a year ago, and so far, nothing for those tobacco farmers. They can't wait any more. They need your help now, Minister. Come forward. Stand up in front of the tobacco farmers and tell them the money is coming to match the federal money, so we can get back in business with tobacco farming.

ACCESS TO HEALTH CARE

Ms. Shelley Martel (Nickel Belt): I am pleased to respond on behalf of the NDP to the statement by the Minister of Health. The minister said in his press release, "Community health centres perform a unique and critically important function in our health care system." I wonder why he was at Regent Park Community Health Centre this morning and didn't announce a major expansion of community health centres in Ontario as the way to really push primary health care reform.

I don't understand why this government continues to refuse to look at CHCs as a positive model to bring more doctors and health care professionals into the health care system to provide primary health care to Ontarians who need it. We know that community health centres are a proven model. They've been in existence in Ontario for over 30 years. I was pleased to be part of a government that created 23 new community health centres and 10 Aboriginal community health centres when we were the government, as a sign of the commitment by New Democrats to community health centres.

We know that community health centres are effective at recruiting and retaining not only doctors but other health care providers, that coverage 24/7 is provided, that everybody is paid a salary, that not only is treatment provided, but also promotion of wellness and illness prevention. Those are the kinds of things we want to be promoting in Ontario.

CHCs are an effective model. The Ministry of Health's own internal review of CHCs three years ago proved that. I say to the Liberals, for goodness' sake, stop stalling. Use CHCs as a model for primary health care reform, fund an expansion of community health centres, and do it now.

With respect to the money for diagnostic medical equipment for CHCs, for long-term-care homes and for hospitals, of course this is federal money from the diagnostic and medical equipment fund, and I sure hope this government is passing it along to those institutions in Ontario that are supposed to receive it from the federal government. I would expect this government to be doing that.

Speaking of federal money, I sponsored an interesting press conference yesterday by ONA, and the president of ONA, Linda Haslam-Stroud, said this about the government yesterday: "On January 17, the government told Ontarians they can expect 757 nurses to be laid off this year and possibly thousands more next year, as hospitals struggle to balance their books by March 2006. Nurses feel betrayed by this government," said the president of

ONA. She went on to say that it's very clear that these positions are not administrative positions, that the 757 jobs to be lost include nurses who provide psychiatric care, work in the emergency department, in obstetrical care and in cardiac care as well. She also said very clearly that there aren't jobs for these nurses in the community, there aren't agencies in the community hiring, and the gap between the pay in institutions and the community is so great that nurses leaving institutions aren't going to go work in the community sector; neither will new grads.

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The most important point had to do with money—federal money. ONA made it clear yesterday that there is more than enough money to avoid any nursing layoffs and, indeed, there's more than enough money for the government to actually live up to its promise to hire 8,000 new full-time nurses in the province of Ontario. They released information yesterday that makes it very clear that this fiscal year alone, 2004-05, the shortfall between the amount of health spending announced by the government and what the government actually took in in new money from the federal government and from the health tax is \$1.7 billion, and it will be \$1.7 billion next year as well. In fact, over its four-year mandate, this government will announce, or has announced, an increase in health care funding of about \$10.5 billion, but they're actually taking in, between the new health tax and the new federal money, \$20 billion. Where is that \$9.5 billion going? It isn't going to health care.

So I say in conclusion, this government should be hiring, not firing, nurses. You've got the money to do it. Stop the layoffs now. Actually show us your plan to create 8,000 new full-time nursing positions in Ontario.

FOOD SAFETY

Mr. Howard Hampton (Kenora–Rainy River): I briefly want to respond to the Minister of Agriculture, Food and Rural Affairs. I want to say to the minister, at a time when farmers are going out of business, you should be worried about how many of them are going to be around to have their meat inspected. Farmers want to know, where is the investment strategy for the farming community, for the rural community, from the McGuinty government?

The Speaker (Hon. Alvin Curling): It's time for oral questions.

ORAL QUESTIONS

GOVERNMENT'S AGENDA

Mr. Robert W. Runciman (Leader of the Opposition): It's good to see you again, Mr. Speaker. I can tell you, the official opposition was looking forward to a productive session; however, it's been two months since

we last met and, unfortunately, things haven't changed much. The government's priorities are still opposite to what they said they would do and what the people of Ontario want from their government. So here we are, set to debate your so-called priorities: film censorship, a ban on pit bulls that experts say won't work, and your greenbotched proposal that would bankrupt farmers. You also spent considerable time this winter talking about the need for a new flower to represent Ontario and announced just yesterday that you're spending \$400 million on Sandra Pupatello's pet project, a new hotel in Windsor. Yet, at the same time, we see hospitals being forced to close beds and cut programs. We see you wasting \$91 million to fire close to 1,000 nurses. We see an ongoing fight with our doctors and no sign of resolution. In short, there's chaos in our health system. You have no plan to deal with it, so you talk about film censorship and provincial logos. Premier—

The Speaker (Hon. Alvin Curling): Thank you. Premier?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Speaker, let me say that it's great to be back. Let me say, as well, that I'm grateful for the opportunity to remind members opposite and the good people of Ontario, whom we have the privilege of serving, about some of the things we have done to date.

With respect to education, thus far we've hired 1,100 new teachers; we have smaller classes in over 1,300 elementary schools; and we have trained 16,000 lead teachers with special skills in literacy and numeracy.

In health care, we shortly will have our first 45 new family health teams ready to be announced; we have 21,000 more Ontarians receiving home care; and shortly, we'll have more than 2,000 new front-line staff for long-term-care homes and restored standards to be present there.

The member opposite apparently has some objection to us making the kind of investment that will ensure we can make still more revenue for investment in further health care and education to the benefit of Ontarians. If the member opposite stands against more investment in health—

The Speaker: Supplementary.

Mr. Runciman: Unfortunately for the people of Ontario, they need better health care, not better hotel room service. It's becoming clear that—

Interjections.

The Speaker: We just started the first question period, and I would like the ministers to come to order so I can hear the Leader of the Opposition put his question.

Mr. Runciman: The government has no plan at all when it comes to health care. You flowed bailout money to hospitals after saying there would be no more bailouts. You spent \$91 million to fire almost 1,000 nurses after you said you'd hire 8,000. You issued an ultimatum to doctors to accept your deal or else, and backed down and said you would renegotiate. Now you're at it again, saying you'll stumble ahead with or without the support of doctors.

Hospitals have been ordered to cut \$170 million from budgets and programs, and yet you announce \$400 million for a posh hotel in a Liberal riding. Your lack of a plan for health care is putting patient care at risk. Why did you order hospitals to cut programs and beds while funding beds for a swanky, five-star hotel? Why are you putting pork-barrel politics ahead of the well-being of our health care system?

Hon. Mr. McGuinty: You know, the member opposite knows full well—

Mr. Rosario Marchese (Trinity-Spadina): Or ought to know, right?

Hon. Mr. McGuinty: —or ought to know that the Ontario Lottery and Gaming Corp. generates some \$2-billion-plus that we can invest in health care and education. This is an additional investment in that revenue-generating mechanism. That's all this is.

With respect to what we're doing in our hospitals, I know the member opposite will want to be able to remind Ontarians that, thus far, we have added 1,700 more cancer surgeries, 1,680 more hip and knee replacement surgeries and 2,000 more cataract surgeries; we've invested \$120 million to replace old MRI and CT machines; and we've expanded existing hours for over 119,000 more procedures. That's just some of the progress we're making when it comes to improving health care for Ontarians.

Mr. Runciman: The Premier has become the Amelia Earhart of Ontario politics, constantly changing direction but never finding land.

Premier, unfortunately your misplaced priorities aren't confined to health care. Yesterday, your Ministry of Finance released Ontario's third-quarter financial update. You now admit that this year's deficit may be triple what you estimated, up to \$6 billion. In last year's budget, you counted revenues for this year that you won't actually receive until 2048. It may be time for Accounting 101 here. That kind of murky accounting may have worked at Royal Technologies, but it doesn't wash when you're managing the finances of the province.

Today's media is reporting that you're using your \$6-billion deficit as proof of Ontario's need for more federal funding. Premier, it's clear you have no plan for managing Ontario's books and no plan for dealing with the chaos you're creating in the health care system. Can you tell Ontarians how you plan to balance the books of the province and end the chaos in the health care system? Where is the plan?

Hon. Mr. McGuinty: Just to give you some sense of the kinds of investments we've made so far when it comes to our hospitals: \$385 million to balance the 2003-04 budgets, \$469 million in new funding for 2004-05, \$200 million in one-time transition funding, \$60 million for capital repairs made to our hospitals and \$50 million to create new full-time positions for nurses in Ontario hospitals.

I contrast that with the Tory record. They cut hospital funding by \$557 million over two years, they closed 28 hospitals, they closed 5,000 beds, and they spent \$400

million to fire thousands of nurses and then spent hundreds of millions more trying to lure them back to the province of Ontario. When it comes to health care, I'll put our record against the previous government's any day.

1530

HEALTH CARE FUNDING

Mr. John R. Baird (Nepean-Carleton): To the Premier: The reality is, it has become clearer and clearer every day that you have no plan for health care in the province of Ontario. You used to say that nurses were the cornerstone of our health care system. You made so many trips to the Ontario Nurses' Association conferences and repeated your promise to hire 8,000 more nurses. All that changed just a couple of weeks ago. Your Minister of Health issued a press release announcing that he was giving the hospitals in Ontario \$91 million to help lay off 757 nurses. Your own minister has admitted this is how many nurses it would be.

Premier, do you know what nurses in Ontario are starting to call you? They're starting to call you Premier Pink Slip. That's the reality. Can you explain to me how firing 757 nurses will help you keep your promise to hire 8,000 new nurses?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm delighted to get the question, of course, just to put a few facts on the table, because they are important to hear from time to time. We have funded 3,052 new full-time nursing positions since we got the job. In addition, there are at present—and the minister, I know, will want to say more about this shortly—400 nursing positions being advertised in Ontario, some 200 of those in our hospitals. The Ottawa Hospital is looking for 41 new nurses; the London Health Sciences Centre, 12; the University Health Network, 11; St. Joe's, nine; Grand River, six; Mount Sinai, five; Sunnybrook, five; Cambridge, four; and on and on. There are good opportunities for nurses in Ontario. We are investing heavily to ensure that hospitals can in fact hire nurses, and I'm proud to say that, so far, we have funded 3,052 new full-time nursing positions in Ontario.

Mr. Baird: Premier, the people of Ontario have a choice in who they can believe. They can believe this Premier or they can believe the Ontario Nurses' Association when they say that the McGuinty government has done a 180-degree turn from its stated commitment during the election campaign. This is what nurses in Ontario are saying about you and your government.

Last week, for the first time in more than 20 years, a group of doctors walked off the job, resulting in surgeries for hundreds of patients right across Ontario being cancelled. You knew that was going to take place for more than four weeks, yet you did nothing to stop it. At the centre of this dispute was inaction and the ongoing negotiations between your government and the Ontario Medical Association. They wanted a simple signal that you and your government took their concerns seriously.

Instead, they got nothing: not a phone call, not an e-mail, just silence. Your inaction was clear proof that you have no plan to deal with the doctors and doctor shortages in Ontario.

Premier, why did you personally sit by and do nothing when this crisis happened last Friday?

Hon. Mr. McGuinty: Speaker, I know the minister would like to get in on this.

Hon. George Smitherman (Minister of Health and Long-Term Care): My honourable friend asked the question whether the people of Ontario should believe the ONA or the government. I leave that to the people of Ontario, but what they sure aren't going to do is believe this party and their reprehensible record on health care in the province of Ontario. The gall of the honourable member to stand up as part of a party that when they were in government, for hospitals alone, cut funding by \$557 million, eliminating 6,279 nursing positions.

What have we done: 664 nurses in large hospitals and 538 in small and medium hospitals; 600 new nurses in long-term-care homes; 250 new nurses in home care and community mental health; 1,000 new full-time positions for new grads to give them the experience on the front line; \$60 million recently for 11,000 new bed lists; accountability agreements, where nurses sign off on what hospitals say about how those funds are invested; hospitals moving toward 70% full-time; double the number of nurse practitioners; clinical simulation equipment in—

The Speaker: Thank you. Final supplementary.

Mr. Baird: I notice, with two months to think about answers to these questions, the Premier ducked and dodged the question. Premier, I want to come back to you. You are the leader of the government. Again, you have no plan to resolve the dispute with our doctors and no plan to deal with the fiscal crisis that you and your bully health care minister dealt to our hospitals. Hospitals in Ontario will end this year with a \$330-million deficit. Do you know what they're starting to call these hospital deficits? They're starting to call them "Dalton deficits."

You said at the beginning of this year that hospitals would not be allowed to run deficits, and you said you wouldn't give any more bailouts—your words, Premier, not mine. You've waffled on both counts. Just yesterday came the news that your government will be spending \$400 million on a swanky, five-star hotel in Windsor.

The Speaker: Question?

Mr. Baird: You and your government personally approved \$170 million in cuts to hospitals this year. I have a question to which I want a direct answer from this Premier: How many nurses will you have to fire—

The Speaker: Thank you. The Minister of Health.

Hon. Mr. Smitherman: I'm pleased to remind the honourable member that, to this point, our government has created and funded 3,052 new opportunities for nurses in the province of Ontario, in contrast to that government's record, which is well known.

He asked about hospitals. We have invested, since we came to government, 1.712 billion additional new dollars just in the Ontario hospital system, as part of a \$2.8-

billion investment in health care this year, money for wait times to reduce the challenges that Ontarians face and hundreds of millions of dollars to update the quality of equipment in Ontario's hospitals.

The honourable member talks about anaesthetists. He suggests, along with his party leader, that Ontario abandon the decades-old history of negotiating with the OMA, instead beginning bilateral relationships with each of the 56 groups that are members of the Ontario Medical Association. This is his approach, after he said—

The Speaker: New question. The leader of the third party.

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Premier. You've now been in government going into a second year. You promised that you would properly and adequately fund our hospitals. You promised to hire 8,000 new additional nurses. You promised that you would not make any further cuts to OHIP-insured health care services. But you've broken all of those promises. When are the people of Ontario actually going to see the improvements to health care that you promised so often?

Hon. Mr. McGuinty: I provided a list just a few minutes ago, and I'm pleased to add to that. We continue to do much to improve the quality of health care available for all Ontarians. For example, this year we have 81,268 additional CT scans. We've invested \$107 million to reduce wait times in cardiac care, cancer care, MRIs, hip and knee surgeries and cataract surgeries. We have doubled the number of spots for international medical graduates. We've created a free vaccination program for children in the province of Ontario, covering things that were never covered in the past. We're proceeding to build a new medical school in northern Ontario—I'm sure the member opposite will want to support us in that regard. I have much to add, and look forward to hearing from the member opposite.

Mr. Hampton: Those are oft-repeated promises, but they are not the reality that people are seeing in their communities. Hospitals have said it very clearly: Instead of hiring new additional nurses, you're forcing them to lay off 757 full-time nurses. At a time when Ontario ranks third from the bottom in terms of nurses per capita, the McGuinty government is going to lay off more nurses. The president of the Ontario Nurses' Association said it clearly: "Ontario nurses have lost confidence in the McGuinty government's commitment to restore nursing and protect patients," and she goes on, "Next year, the layoffs at hospitals will result in more than 8,700 nurses and health care providers getting the pink slip."

The Speaker: Question?

Mr. Hampton: People voted for health care change. When are they going to see the positive changes you promised? When are they going to see the McGuinty government's health care plan?

1540

Hon. Mr. McGuinty: Again, on the matter of nurses, we're pleased to have been able to fund 3,052 new full-time nursing positions.

Mr. Hampton: Where are they?

Hon. Mr. McGuinty: The member opposite asks, "Where are they?" To provide some more details, 664 of those are in large hospitals; 538 are in small and medium hospitals; 600 are in long-term-care homes; 250 are in home care and community health positions. We've also invested another \$60 million for 11,000 bed lifts in hospitals and long-term-care homes to improve the working conditions for nurses. I want to remind the member opposite, the leader of the NDP, that on his watch they let go some 3,800 nurses. We've only been on the job one year and we've funded 3,052 new full-time positions. We're proud of our record.

Mr. Hampton: Premier, here's what a so-called health expert had to say about nurses: "Nurses are the heart of health care." "You can't deliver good health care in Ontario when there aren't nurses around to provide the care." "Let no one ever suggest that a nurse in a hospital is redundant. Let no one ever suggest that a nurse in a hospital is anything but precious." Who said that? Dalton McGuinty. And now Dalton McGuinty is ushering 757 nurses out the door, saying they're redundant.

Premier, all the promises you've just recited aren't happening in communities. Communities aren't seeing new nurses; they're seeing existing nurses laid off. They aren't seeing more services, they aren't seeing more physicians; they're seeing more cuts. Forget the promises, Premier. When are the people of Ontario actually going to see a health care plan that delivers some of the things you promised over and over again?

Hon. Mr. McGuinty: Well, I don't know whom the member opposite is speaking to. Maybe he should contact a few hospitals, whether the large ones or the small ones, or long-term-care homes or community mental health institutions, because we have funded, as I said, some 3,052 new full-time nursing positions. In fact, as I said earlier, there are all kinds of hospitals right now that are advertising for new nursing positions.

For the first time in a long time, nurses are being attracted to Ontario. I was in Windsor recently and had the opportunity to meet with nurses we had repatriated from the US, because there are good working conditions here, supported by investments we're making in things like lifts that reduce the physical wear and tear on our nurses. So contrary to what the member opposite would have us believe, this government is supporting nurses. We are investing in more full-time nursing positions, and we're investing in the kinds of equipment that enable them to do their job in a safer manner.

HOSPITAL FUNDING

Mr. Howard Hampton (Kenora-Rainy River): To the Premier: Premier, maybe you should look at what's happening in actual communities. Let's take Jeff Leal, the MPP for Peterborough. Last week in Peterborough, while the hospital there was warehousing seriously ill patients on stretchers in the hallway, 75 staff, including nurses, paramedical care and diagnostic care providers,

were handed pink slips. The hospital's chief doctor, Dr. Alan Thompson, said, "Patient care will suffer. These cuts to nursing staff represent service cuts. There's just no doubt about it: To try and portray them as otherwise is wrong."

Premier, you have the money to fix the problems you're creating. When is your government going to provide a health care plan for Peterborough that doesn't result in more nurse layoffs?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I am really pleased to speak to this issue in particular. I've had an opportunity to speak with the MPP for this community, who has been relentless in terms of advancing the cause of his constituents, particularly when it comes to health care. I look forward to visiting that community this Friday.

We are proud that we've invested so far \$15.6 million more in the Peterborough regional hospital. We're also very proud that, working with this member, we have committed to building a new hospital in that community to meet the needs of that community and ensuring that we can make the investments that are essential so the people of Peterborough have access to the good kinds of quality care which they deserve.

Mr. Hampton: The only thing the people of Peterborough are wondering is, where will the nurses be to staff the hospital?

I want to ask a question on behalf of David Oraziotti, the MPP for Sault Ste. Marie, because at Sault Area Hospital, 24 registered nurses and 12 registered practical nurses are being sent out the door. Glenda Hubley, who represents the nurses, says, "In the end, who suffers? The patient suffers. If there aren't enough nurses, who's going to care for patients?"

Premier, the hospital patients of Ontario are losing patience with you. You promised that hospitals would be adequately and properly funded. You promised 8,000 new additional nurses, not 757 nurses going out the door. You have the money: \$2.5 billion of new additional money from your health tax; over \$2 billion in dedicated new federal health care money. Where's the health care plan for Sault Ste. Marie, other than cutting more nurses?

Hon. Mr. McGuinty: Again, I want to take the opportunity to commend the MPP from Sault Ste. Marie, who has been working exceptionally hard on behalf of his constituents. As a result of his efforts, we have invested an additional \$11 million in the hospital there. We've also invested \$21 million more in the Algoma district for health care purposes. We will continue to make these investments on an ongoing basis.

The member opposite knows full well that we didn't get all that money at once. I think he has some basic understanding of the nature of the challenge connected with ever-growing health care delivery services, but we will continue to manage these in a way that is effective and responsible, but also in a way that improves the quality of services that we're delivering on our front lines.

Mr. Hampton: I'm sure the nurses who are going out the door in Sault Ste. Marie will take solace in that, that somehow you claim to be spending more money, but more nurses are going out the door.

Let me ask, on behalf of Pat Hoy, the MPP for Chatham-Kent-Essex, because the Chatham-Kent Health Alliance is laying off 18 nurses, and there are dozens of other hospitals in Ontario doing the same: You promised that you were going to be the health care fixer. But what patients are seeing and what communities are seeing are more cuts, more nurses going out the door, more cuts to OHIP services.

Premier, you've been handed more federal money for health care than probably any other government in the last 10 or 15 years in Ontario. You've implemented a new health care tax that will bring in \$2.5 billion. Where is the McGuinty government plan to fulfill your promises on health care and stop the cuts, stop the layoff of nurses?

Hon. Mr. McGuinty: Let me say that because of the efforts of the member for Chatham-Kent-Essex, we've invested an additional \$16 million in the hospital in Chatham. Also, in the county, we've invested an additional \$14 million.

I think that this is what it really comes down to: In our first 17 or 18 months on the job, we have funded 3,052 new full-time nursing positions. When the member opposite was in government, they laid off 3,800 nurses. I can't think of anything that is more stark in terms of a comparison, in terms of where we want to go and in terms of where that former government went.

The Speaker: New question.

1550

Mr. Jim Flaherty (Whitby-Ajax): My question is for the Premier. You promised not to raise taxes and then brought in the largest tax hike in the history of the province of Ontario. You said it was for health care, and I think people reasonably anticipated in Ontario if they paid more tax that they would receive more services in health care.

The standing committee on finance and economic affairs of this assembly heard testimony in January, at pre-budget hearings, including in Whitby. We heard from the chair of Lakeridge Health about it being a multi-site hospital with four main sites and 21 satellite sites now serving more than half a million people in Durham region, which is growing rapidly. She said that they received only \$357,500 in one-time funding for the year ending March 31, 2005. She said, "Compared to our combined \$42.5-million deficit, it's like giving a heart attack patient a Band-Aid and declaring him cured."

Your committees have recommended multi-site funding be a variable that increases funding for such hospitals. I'm asking you whether you will follow the recommendation of the policy and planning committee to the Ministry of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm happy to respond to the hon-

ourable member that in the days since our party came to office, Lakeridge Health has been the beneficiary of almost \$14 million in additional funding and that Durham region, of course, through a variety of investments, has benefited to the tune of about \$12 million further.

On the issue of multi-site funding, I can confirm two things for the honourable member that show considerable progress on the work of the JPPC. The recent allocation of resources on the diagnostic medical equipment fund in fact ensures that multi-site hospitals in places like Picton and also Port Perry, as the honourable members mention, receive a portion of funding that is disproportionately large. Similarly, on announcements of funding in the future, we're going to work hard to address what has been a regrettable circumstance as a result of your party's initiatives under health services restructuring. That has been the evolution to the larger sites in those multi-sites. We believe in the small ones; it's incredibly important that they be strong for local communities. I'm happy to work with the honourable member to provide further evidence of progress in this area.

The Speaker: Supplementary.

Mr. John O'Toole (Durham): To you as well, Premier: As the member for Whitby-Ajax said, you promised during the election to make health care service available to people closer to their homes. We also heard at the hearings, as Mr. Flaherty mentioned, that you would address the issue of multi-site funding, as well as the chronic underfunding to the Lakeridge site over the years. It was noted some years ago.

I am putting to you a question today. You have met with Anne Wright and Marilyn Pearce, who is the mayor of Scugog. They've made their presentations to you. They're requesting that multi-site funding be specifically addressed by the minister and/or your Minister of Finance during the upcoming budget. I look forward to your answer in respect to appropriate funding for Lakeridge Health and all multi-site facilities in Ontario.

Hon. Mr. Smitherman: I'd like to acknowledge the honourable member's candour in acknowledging chronic underfunding. He points to this as the circumstances there.

I want to say, to the issue he raises with Mayor Pearce, that I in fact put her in touch with other leaders of municipalities that are also struggling, as the smaller part of multi-sites. I put her in touch with the mayor of Georgetown. I put her in touch with the folks in Wallaceburg, who have been experiencing some concerns about their much-cherished Sydenham hospital.

I can confirm for the honourable member, as I did in the earlier answer, we started to make progress on the issue of making sure that the smaller sites in multi-site hospital networks are strong. We believe in them fundamentally. We have more progress to make and I'll be happy to do that, alongside the honourable member.

FOREST INDUSTRY

Mr. Howard Hampton (Kenora-Rainy River): My question is to the Premier. You should be aware that the

forest industry sector in Ontario is facing real difficulties. Last year, you announced a \$500-million special automotive fund to sustain jobs in the auto sector. In December, your government announced enhanced tax incentives to keep the television and film production industry in the Toronto area. You've said that these are necessary to sustain jobs. I accept that.

The forest industry is second only to the auto sector in terms of its contribution to Ontario's balance of payments. It's that important. Yet so far, you've completely ignored that industry. If it's important to have an investment strategy for the auto sector and it's important to have an investment strategy to sustain jobs in the television and film industry, where is the investment strategy for the forest industry and forest industry jobs, when they're facing perhaps the greatest difficulty?

Hon. David Ramsay (Minister of Natural Resources): To answer directly to the member, the member knows that we've been very much aware of the challenges that have been faced by the forest sector. That's why, in November of last year, I appointed a minister's council on forest sector competitiveness. This is comprised of labour leaders, municipal leaders and the CEOs of the major companies that do business in northern Ontario to come together and to bring a plan to government here as to how we can help that sector. We are working hand in hand. They've had several of their meetings now. I would expect by late April, we will have a complete report from this council.

Mr. Hampton: Jobs are already disappearing, and many of these companies have come here to Toronto to tell you that your government's policy of constantly forcing up the price of electricity has forced many of them to cut operations and is going to force more of them to cut operations and cut jobs.

The representative from Bowater told you that clearly at the Bill 100 hearings. He said jobs were leaving already, and more were going to leave. It's happened in Cornwall, where Domtar has cut 390 jobs and may cut 400 more. It's happened in Dryden, Opasatika, Hearst, Chappleau, Smooth Rock Falls, and now in Thunder Bay and in Kenora, another 700 direct jobs are at risk of being shut down.

I say to the Premier again, where's the investment strategy for the forest industry sector? All you're doing so far is forcing up electricity prices and killing more jobs. Where is the investment strategy? If it's good for the auto sector, if it's good for the film and television sector, if it's good for the casino in Windsor, where is it for the—

The Speaker (Hon. Alvin Curling): Minister?

Hon. Mr. Ramsay: The member needs to know that the member from Thunder Bay—Atikokan and the Premier and myself met with Arnold Nemirow, the CEO of the Bowater corporation, to deal with these very issues, because we know there's a challenge out there, and we accept that.

We're prepared, the Premier is prepared, to work closely with the industry to make sure that we overcome

these challenges, because we want to see a strong and viable and sustainable forest industry for northern Ontario and across this province, and we're working up to that challenge.

GREENBELT LEGISLATION

Ms. Deborah Matthews (London North Centre): My question is for the Minister of Municipal Affairs and Housing. Minister, our government has made an historic commitment to establish a permanent greenbelt in the Golden Horseshoe. I know you and other members of the government have been working hard over the break to ensure that the greenbelt dream becomes a reality, a legacy that we can be proud to leave to future generations. Minister, would you be good enough to provide us with an update on the progress you have made with this plan that will improve the quality of life for Ontarians for years to come?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Our government is extremely proud of the work that we have done with respect to the greenbelt. We're doing what no other government has done. By the end of this process, we hope to add an extra million acres of land to permanent protection; that will create a total protection of 1.8 million acres.

We've taken our time to get both the mapping and the enabling legislation right. We have held four meetings of the standing committee. I have met with municipal leadership from throughout the entire greenbelt proposed area, including all their planning officials as well. I know that at the ending of this process, we will end up with a greenbelt that we can be proud of for generations to come, not only for now, but for many, many years to come.

Ms. Matthews: Minister, we know that the call for a greenbelt in the Golden Horseshoe has been a long time coming. History has shown us that without a real plan for managing growth and preserving green spaces, what we're left with is urban sprawl, gridlock and poor air and water quality. Sadly, we've also seen some of our most valuable farmland turned into subdivisions, forever removed from agricultural viability as a result of poor planning.

1600

Hon. Mr. Gerretsen: I can assure you that our greenbelt plan is based on good science and good planning. It has been developed through a combination of technical, scientific and land use planning analysis to make sure that we will get the protection of the greenbelt correct. It builds on the work that was done previously with respect to the Niagara Escarpment and the Oak Ridges moraine plan. It's built on a natural heritage system and on the LEAR system, a land evaluation system that has been developed through the Ministry of Agriculture. Every bit of the greenbelt can be justified on a scientific basis, and we are extremely proud of the work that this government has done in that regard.

**ROYAL ASSENT
SANCTION ROYALE**

The Speaker (Hon. Alvin Curling): It being 4 o'clock, pursuant to standing order 30(b), I am now required to call orders of the day. However, I beg to inform the House that in the name of Her Majesty the Queen, His Honour the Lieutenant Governor has been pleased to assent to certain bills in his office.

The Clerk-at-the-Table (Ms. Lisa Freedman): The following are the titles of the bills to which His Honour did assent:

Bill 17, An Act to amend the Executive Council Act / Projet de loi 17, Loi modifiant la Loi sur le Conseil exécutif.

Bill 82, An Act to amend the Ontario College of Teachers Act, 1996 to cancel the Professional Learning Program / Projet de loi 82, Loi modifiant la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario en vue d'annuler le programme de perfectionnement professionnel.

Bill 84, An Act to provide for fiscal transparency and accountability / Projet de loi 84, Loi prévoyant la transparence et la responsabilité financières.

Bill 96, An Act to amend the Liquor Licence Act / Projet de loi 96, Loi modifiant la Loi sur les permis d'alcool.

Bill 83, An Act to implement Budget measures / Projet de loi 83, Loi mettant en oeuvre certaines mesures budgétaires.

Bill 124, An Act to amend the Health Protection and Promotion Act / Projet de loi 124, Loi modifiant la Loi sur la protection et la promotion de la santé.

Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts / Projet de loi 149, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2004, édictant la Loi de 2004 sur la Société d'émission d'obligations de développement du Nord de l'Ontario et modifiant diverses lois.

Bill 160, An Act to authorize the expenditure of certain amounts for the fiscal year ending March 31, 2005 / Projet de loi 160, Loi autorisant l'utilisation de certaines sommes pour l'exercice se terminant le 31 mars 2005.

ORDERS OF THE DAY

**TOBACCO CONTROL STATUTE LAW
AMENDMENT ACT, 2005**

**LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI A TRAIT
À LA RÉGLEMENTATION
DE L'USAGE DU TABAC**

Mr Smitherman moved second reading of the following bill:

Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

Interjections.

The Speaker (Hon. Alvin Curling): Mr Smitherman, could you just wait a moment until members have settled a bit? Could I ask the members if they're having a discussion, especially the ministers, to have it outside?

Hon. George Smitherman (Minister of Health and Long-Term Care): Mr. Speaker, I'd like to note that I'll be sharing my time with the member for London North Centre, the member for Mississauga West, the member for Etobicoke-Lakeshore and the member for Mississauga East.

It's a great privilege for me to rise in this chamber today to speak to a piece of legislation that is fundamental to the work we're doing in health care. The Smoke-Free Ontario Act is a bill I'm extremely proud of. I think we all should be. It is bold, it is forward-looking and it is, frankly, overdue.

Since we introduced the Smoke-Free Ontario Act in December of last year, there has been a great deal of public comment on this issue, and I'm delighted that the overwhelming majority of Ontarians support what we are doing. Ontarians want us to move forward on the issue of tobacco control, and we are doing just that.

Our objectives are threefold: prevention, cessation and protection. We want to prevent young people from taking up the tobacco habit, we want to provide help, encouragement and support to those smokers who want to quit, and we want to protect non-smokers from the deadly effects of second-hand smoke.

This bill, the Smoke-Free Ontario Act, is the cornerstone of our protection efforts. Let me share with you why this protection effort is so important.

Two months ago, on December 15, we introduced the Smoke-Free Ontario Act. During the press conference that took place that day, I stood beside a woman named Suzanne La Chapelle. Suzanne worked as a bartender for more than 20 years and was exposed to second-hand smoke every day. Now, she suffers from an irreversible lung disease. Every day she fights for breath. Even playing with her kids is a struggle. I'm thinking of Suzanne today, Mr. Speaker.

Most members of this chamber, as well as most Ontarians, are familiar with the key elements of this piece of legislation:

Second-hand smoke in bingo halls, casinos, bars and restaurants is a deadly threat to the employees, like Suzanne, who work in those establishments. This bill, if passed, will put an end to that.

Smoking in workplaces creates a work environment that nobody in this province should be exposed to. This bill, if passed, will put an end to that.

Smoking in elevators or laundry rooms forces non-smokers to breathe poisonous air. This bill, if passed, will put an end to that.

Cigarette displays in stores targeted at kids are an insidious form of advertising. This bill, if passed, will put an end to that.

As I said a moment ago, I'm extremely proud of the objectives behind this bill. I'm also proud of the specifics. We spent a great deal of time drafting this piece of legislation, consulting with various experts and stakeholders and meeting with groups that had input and advice to contribute. My parliamentary assistant, the member from Mississauga East, played a central role in this process, demonstrating enormous creativity, attention to detail and determination. We also researched what was being done in other jurisdictions, across North America and around the world, and we thought very carefully about how to achieve our objectives in a way that was fair and reasonable.

An important part of this process was sitting down with groups like the men and women who operate Ontario's convenience stores and finding ways to work together with them. We also spent a great deal of time working with Aboriginal leaders from across Ontario to share our goals. They know how serious a problem tobacco is in our Aboriginal communities, and I'm very proud of the fact that our efforts are paying off. In order to succeed in the battle against tobacco, we need allies, not adversaries.

This is a bill that is firm, but it is fair. We do not go out of our way to penalize smokers, nor do we impose harsh or arbitrary targets or penalties. In fact, when one looks at our efforts in context, they're extremely reasonable.

Yes, there are those who have spoken out against this bill. Some members of Legions have expressed their unhappiness, but the fact remains that a majority of veterans, like some who have written to me, not unlike the huge majority of Ontarians, do not smoke. In fact, the president of the Royal Canadian Legion Ontario command, Erl Kish, was quoted recently as saying that only about 10% or 15% of the 165,000 members across this province's 422 branches are smokers. I believe that all Ontarians deserve the same protection. I will not be party to anything that treats our veterans as second-class citizens or gives them second-class protection from second-hand smoke.

Some bar and restaurant owners have expressed their concerns about loss of business, but the facts do not support them. There's no need for guesswork, because the evidence is absolutely clear from New York City, from Ottawa, from Ireland, from countless other places. Think about it: If more than 80% of the population doesn't smoke, how can a measure that makes bars and restaurants more appealing to a vast majority of patrons be a threat?

Some people have argued that we're doing too much, too fast, that we're going too far, that we're swimming against the tide. Again, the evidence simply doesn't

support them. An objective and thorough look at the evidence demonstrates that what we're doing here in Ontario is entirely consistent with a much broader, worldwide effort to eradicate the extraordinary harm caused by tobacco industry products.

Let me take a moment to share with the House some news from other jurisdictions. Last month, Italy enacted a tough smoking ban, prohibiting smoking in bars, restaurants, offices and other public spaces. According to polls in that country, 83% of Italians support the move. Quebec is heading toward a total ban on smoking in restaurants, bars, bingo halls and casinos because, in the words of my colleague the Minister of Health in Quebec, "The days of smoking in public places are coming to an end." In England, a white paper on public health set out to make most enclosed public areas, including offices and factories, smoke-free.

1610

Earlier this month, Cuba—Cuba—banned smoking in public places and banned the sale of cigarettes in stores within 100 metres of schools. This is a country with twice our smoking rate and for whom tobacco is a crucial export, and even they are now clamping down.

I don't often have the opportunity to quote Fidel Castro, but I have to agree with him when he said—

Interjection.

Hon. Mr. Smitherman: He's not even in his seat, Mr. Speaker.

The Acting Speaker (Mr. Ted Arnott): I would ask the members of the opposition to allow the Minister of Health to make his remarks.

Hon. Mr. Smitherman: I have to agree with Mr. Castro when he said this: "The best thing to do with cigars is give them to your enemy."

So the answer is that we are not charting a new and different course. The anti-tobacco movement is not the crusade of a small group of activists. It represents the broad mainstream of public opinion here in Ontario and all around the world.

While I'm certain that the path we've chosen is the right one, I also know that there are still some areas where work remains to be done, so I welcome the debate which is about to begin. I'm anxious to hear from members from every part of this province, because this is an issue that affects every community in this province. I'm also looking forward to hearing from the people of Ontario as we move forward with this piece of legislation.

This government's anti-tobacco strategy, taken in its entirety, is the toughest, most far-reaching and most comprehensive anywhere in North America. This bill, the Smoke-Free Ontario Act, is the backbone of our strategy.

As I said earlier, our goals are clear. Tobacco is the number one killer, the number one cause of preventable death in the province of Ontario. We've all heard the numbers, and they are sobering: 16,000 deaths a year; at least \$1.7 billion in direct health care costs. But this isn't about numbers; it's not about dollars. It's about im-

proving lives, and it is about saving lives. It's about keeping our families together.

Let's come down from our high-level vantage point for just a moment. Instead of 16,000 deaths, let's think for just one moment about one death: the death of a parent, or a spouse, the death of a close friend, or the death of a child. Every death rips apart a family and sends shock waves through a community. Every death deprives a child of a mother or an uncle or a teacher or a friend. Every single death initiates a cycle of grief and leaves an open wound. Now multiply that by 16,000, then contemplate the fact that each and every one of these 16,000 annual deaths can be prevented. That's what this is all about.

For too long now, the forces behind the tobacco industry have had an easy ride. For too long we've looked away or come up with weak rationalizations as to why tobacco had to be tolerated. For too long we've backed down from tough decisions and decisive action. But we say, no more.

Tobacco clogs our hospitals; it damages our economy; it ruins lives. This bill, together with our comprehensive anti-tobacco strategy, will help put an end to this.

I'm extremely pleased and proud to have this opportunity to speak on this bill. I invite all members of this Legislature to join with me and our government in support of this landmark piece of legislation.

We stand here as a government and as a people committed to enhancing the quality of life and the health of the people of the province of Ontario.

As we're back here in the middle of February, in a session that starts earlier than ever, as a hard-working government putting forward a piece of legislation that has the potential to eliminate the number one cause of preventable death in the province of Ontario, today I can think of no better reason to be working harder than ever on behalf of the health of the people of Ontario than bringing an end to second-hand smoke.

Ms. Deborah Matthews (London North Centre): I am delighted to rise in support of this very important piece of legislation. It's a piece of legislation that keeps our promise to make all workplaces and public places smoke-free by the year 2007. In fact, we will exceed that promise; we will be smoke-free by 2006.

Smoking is the number one preventable cause of premature death and illness in Ontario. Think about that for a minute: the number one preventable cause of premature death and illness. This legislation, if passed, will go a long way to addressing that cause of death.

I'm going to talk about the second-hand smoke aspect of this legislation. I think it's important to know that second-hand smoke, far from being benign or not harmful, in fact contains over 4,000 chemicals, of which 50 are suspected or known carcinogens. Second-hand smoke kills.

This bill is important because it levels the playing field. I come from London. London enacted smoke-free workplace legislation bylaws several years ago. I'm going to talk about that in a little bit. One of the biggest

problems the city of London had when it tried to implement the bylaws was that it created an uneven playing field. Communities just outside of London were permitted smoking, whereas those inside the city boundaries did not.

This level playing field is an important principle in drafting the bill. We wanted to create a level playing field. I'm going to talk about three ways in which this legislation levels the playing field. The first one is that there are no exemptions in this bill. The second one is that there is no staggered implementation of this bill. The third part of the level playing field I'm going to talk about is that it's a level playing field across Ontario, in every municipality.

This bill will apply to legions, to private clubs, to offices, to factories, to bars, to restaurants. This applies to all workplaces. One hundred per cent smoke-free means just that: 100% smoke-free. We are not going to entertain exemptions to that. Once you create the exemption, you open the floodgates.

Many people have argued persuasively, have argued creatively, that their particular establishment deserves some sort of exemption.

Mr. John R. Baird (Nepean-Carleton): You're exempting motel rooms.

Ms. Matthews: The member opposite wants it more restrictive.

None of these arguments for exemption are as compelling as the argument that workers have the right to work in a smoke-free environment. We are not regulating smoking in homes; we are regulating smoking in workplaces, and when workers come into those places, they are entitled to work in a smoke-free environment, and this legislation protects them.

We've also heard compelling arguments about staggering implementation dates. I was speaking to someone not very long ago, a fellow who has quite a charming little pub in the city of Toronto, who spent a lot of money putting in a designated smoking room. He pleaded with me to voice his concerns that he should have more time to pay off that expense. Well, in fact, we're not going to stagger implementation. We have extended the date of implementation quite far out: May 31, 2006. We've given that much warning to establishments so they can plan for a smoke-free workplace.

Again, once you open the floodgates on exemptions and staggering implementation, it just opens the floodgates. We are going 100% smoke-free on May 31, 2006. If bingo halls are granted a longer phase-in period, how can we say no to casinos? If we allow casinos, why not racetracks? What about people in border communities? What about legions? What about private clubs?

There are many establishments that will make an argument for a longer phase-in period. We're not prepared to do that. We are going to stick with one date at which Ontario will celebrate being smoke-free.

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The third aspect I'm going to talk about is that this removes the patchwork quilt we have across Ontario

now. Currently you can have a restaurant on one side of the street operating under one set of laws, and on the other side of the street a restaurant is under an entirely different set of laws relating to smoking. It is an unfair playing field and we're going to rectify that with this legislation.

London, as I mentioned, went smoke-free several years ago. I'd like to take this opportunity to congratulate the members of city council at that time, and I would like to congratulate our medical officer of health, Dr. Graham Pollett, for the leadership they showed on this issue. I can assure you, it was not easy for them. There was tremendous opposition to the bylaw in London when it came in, a bylaw that is substantially the same as the one proposed in this legislation. There was a coalition of restaurant owners whose biggest and most compelling argument was that it created an uneven playing field, that establishments just outside the city limits would have a competitive advantage. This legislation addresses that concern entirely.

I was delighted that London held firm. They went with a bylaw that has now been in effect for long enough that we don't even think about it any more. The sky has not fallen the way many predicted it would. Restaurants have not closed as a result of this. In fact, it has been great for the deck and patio business. They've sprung up all over London.

Londoners now are disgusted when they walk into a bar or restaurant in another city that does allow smoking. We're actually reminded that, just like we now find it unthinkable, not too long ago people smoked in airplanes. It wasn't too long ago. We will all probably remember being in airplanes where smoking was allowed. It wasn't very long ago that people could sit at their desk and smoke—

Mr. Baird: I don't remember.

Ms. Matthews: Maybe you don't remember. I sure do. People sat at their desk, blowing smoke around for anybody in the vicinity to breathe. It's unthinkable. That was the case not very long ago. In the future, people will look back and say, "Can you believe, in 2005, there were actually restaurants where food was served that allowed smoking?" We will move quickly and easily to this new set of laws. We will shake our heads in disbelief at the notion that some people had to work in environments in which they breathed second-hand smoke.

I spoke to Dr. Graham Pollett this afternoon as I was preparing for this speech. He asked me to convey to this Legislature that he supports Premier McGuinty, Minister Smitherman and the Ontario government all the way on this piece of legislation. London, he said, is a perfect example of the successful implementation of a 100% ban on designated smoking rooms.

He recalled that at the time of the fight on the London bylaw, some members of the food and beverage industry were supportive. They knew their establishments would be more palatable to the majority who do not smoke. But others launched a strong opposition campaign to influence public opinion. They claimed it would kill their

businesses. Well, it did not kill their businesses. Today, things are going extremely well. Businesses survived and indeed flourished. Many people I have talked to talk about the pleasure they have in going out to bars and restaurants and not coming back smelling just terrible, the way you smell if you've been in a smoky place. In London, smokers have accepted this change. They understand the need to protect non-smokers.

I think it's important to remember that this legislation really is not about smelling nice when you come home from a bar; this legislation is about protecting workers from second-hand smoke. This legislation creates a level playing field. It's a level playing field on which no establishment will have an exemption. This legislation will provide for a 100% smoke-free Ontario. It's tremendously progressive. I'm very proud of it. It will be a level playing field in that there will be no staggered implementation dates. A smoke-free Ontario will be a reality on May 31, 2006. All establishments will be smoke free on that date. Every worker can go to work on June 1, 2006, knowing that they will not have to breathe second-hand smoke. It's a level playing field, from municipality to municipality. The patchwork quilt will be gone. Workers across Ontario will enjoy the same right to work in a smoke-free environment.

I'm very proud of this legislation, I'm delighted to support it and I'm proud that London led the way, in a lot of ways, that we saw the value of this kind of legislation many years ago, that we did lead on this and that we are living proof that the sky will not fall when we move to a smoke-free Ontario.

Mr. Bob Delaney (Mississauga West): As I stand to support the Minister of Health and Long-Term Care in his Bill 164, the Tobacco Control Statute Law Amendment Act, I look around here and make three observations:

(1) There are no ashtrays on the desks in the legislative chamber. The long-serving icon of Ontario's parliamentarians, the member from St. Catharines, told me a short time ago that he can't recall there ever having been any. There is no smoking allowed here, and we know from the experience of those now serving here that smoking is unacceptable behaviour here.

(2) There are no spittoons in any public place I can recall in my lifetime. Chewing and spitting tobacco is no longer socially acceptable in any public place.

(3) Though our members in this House sit a ceremonial two swordlengths apart, none but the Sergeant at Arms actually carries swords or, for that matter, any weapon mightier than the pen.

As our concept of a civilized society evolves, in Ontario and elsewhere in the world, behaviour that's unhealthy, behaviour that's dangerous or possibly harmful to others, falls into disrepute and becomes, over time, socially unacceptable. So let it be with smoking.

Bill 164 is a landmark step toward taking the single largest preventable cause of death and serious sickness in our society, tobacco smoking, and moving it a quantum leap closer to being universally unacceptable. Bill 164, in

essence, turns the tables on smoking. Before Bill 164, one could sum up the regulations governing smoking by saying that unless a policy or a law or a rule or a prohibition said you couldn't smoke, you could. After passage of Bill 164, however, unless an exception to the norm specifically states that you can smoke in an enclosed public place, you can't. It's a paradigm shift that recognizes, finally, that the great majority of the population not only does not smoke, they find the presence of smoke in their environment offensive and unwelcome and dangerous. Though tobacco remains a legal product, its use harms both the user and those in proximity where tobacco is used. Tobacco smoking in Ontario has, most people hope, taken a big step toward extinction.

I'd like to address two points in the balance of my remarks: point-of-sale displays and the market challenge to the hospitality trade after the passage of Bill 164. The annual barometer that measures the value of access to the inside of an open human mind is the cost of a 30-second television spot on the Super Bowl each year. A 30-second spot on the Super Bowl cost \$2.4 million in 2005, or about \$80,000 per second. In 1967, the year of Super Bowl I, the same spot cost \$42,000, or \$1,400 per second. That's a 57-fold increase. Access to an open human mind predisposed to consider a product purchase is a precious and expensive commodity.

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Why is tobacco advertising banned? Because it's effective. It induces people to smoke. It prompts people to start smoking and induces them to keep smoking. Tobacco advertising is banned by federal statute, and the use of tobacco has fallen year after year. Here in Ontario, we have proposed to ban the display of the product and to do our part to push the desire to purchase tobacco products further from the top of the mind.

How important is this access to the minds of purchasers of tobacco merchants? According to the Canadian Cancer Society, tobacco companies spent some \$88 million on payments to retailers in 2003 to display their products, or somewhere between \$1,500 and \$9,000 per retailer per year, depending on volume of sales and location.

Outside Canada, Iceland, Ireland, Australia, New Zealand and the United Kingdom have banned or restricted tobacco product displays or are considering doing so. Tobacco use kills people. Displaying the product induces people to buy it. That's why banning the display of tobacco products will help make Ontario a healthier place to live.

Ontario's hospitality industry is going to be smoke-free within just more than a year. That alone is welcome news for the 80% of our residents and visitors who would like to stop in to a lounge and enjoy a drink. For young people, it means they'll be able to go to a club and dance to their favourite brand of ear-pounding music without needing to fill their lungs with harmful, perhaps lethal, tobacco smoke.

I know many people who share my own feelings on going into a club. I enjoy the company, I enjoy the

ambiance of the establishment and the pleasure of sharing a drink. But I hate the smell of tobacco smoke; I really and truly hate it. I hate having to go home and have everything I'm wearing go to the cleaners or into the wash. Taking a shower after coming home from a lounge or a club is nice, but needing to do so to clear my lungs and clear my skin and clear my hair of the stench of tobacco smoke is enough—more than enough—to keep people like me and millions of others like me out of the clubs, lounges and other establishments where tobacco smoking is allowed.

For the hospitality industry, this is the time to look at their business plans. The market is changing, and the business opportunity for operators in the hospitality business is to shift from serving a declining segment of the market—less than 20% now—and to attract and serve a segment of the market that is 80% and growing. Gone will be the patchwork quilt of local and municipal regulations where smoking or designated smoking rooms are legal in one community but not in another.

For the hospitality industry, Bill 164 has, as my colleague the member for London North Centre stated, served an essential business need: It has helped to level the playing field; it has made the market a bit more fair. Of Ontario's 446 municipalities, 252 already have some form of smoke-free bylaw and 180 of those mandate completely smoke-free workplaces and public places.

It's not like the inexorable decline of smoking and the acceptability of smoking in Ontario's public places are today's or yesterday's news or even last year's news. For 40 years, North Americans have known that tobacco smoke is harmful. The writing has been on the wall worldwide for more than two generations.

Smoke-free clubs, bars and restaurants are healthier places for the people who work in them. That means cost savings to owners and operators from reduced employee turnover and absenteeism. That means more business from the 80% of Ontarians and our visitors who don't now smoke. Smoke-free clubs, bars and restaurants are healthier, cleaner and more inviting places for people who avoid like the plague places where smoking is permitted.

Bill 164 has pointed facility owners toward a market that has quadrupled the size of any smoking segment they may now serve. A smoke-free Ontario is an idea whose time has not only come; it is overdue. For facility owners, it is the market opportunity of a lifetime. Ontarians support it, and so do I.

Ms. Laurel C. Broten (Etobicoke–Lakeshore): I am pleased to stand in support of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts. In short form, it is called the Smoke-Free Ontario Act.

This piece of legislation is a critical part of our government's plan to ensure that Ontarians are the healthiest they can be, to be a government that not only treats the sick but encourages and promotes wellness. The need for Ontario to have a comprehensive anti-tobacco strategy is

something we talked about with Ontarians during the election campaign in the fall of 2003, and a plan for a comprehensive anti-tobacco strategy is what the Minister of Health delivered to this Legislature.

As the minister has previously stated, our government's anti-tobacco strategy is based on three pillars—protection, prevention and cessation—with the cornerstone being our commitment to make all workplaces and enclosed public spaces in Ontario 100% smoke-free.

There is no doubt that we have already come a long way in terms of ensuring Ontarians are protected from the deadly effects of cigarette smoke. Today, most of us could not imagine someone smoking while they sat through university lectures, at their desk in the workplace or on an airplane or bus, but 20 years ago these things were commonplace and Ontarians were exposed to smoke without recourse and without regard for their health and well-being as they went about their daily lives.

The Smoke-Free Ontario Act, if passed, will protect all Ontarians from the deadly effects of cigarette smoke in their workplace or in an enclosed public space. It will modernize and clarify the existing patchwork of municipal bylaws and will have no exceptions—all to ensure that no restaurant workers, blackjack dealers, bartenders, truck drivers or home care workers will be compelled to accept deadly second-hand smoke as a condition of employment.

If passed, this legislation would ensure that Ontarians who don't want to be exposed to cigarette smoke won't have to be—not at a casino, at a baseball game, at a concert or at a bar. We are not telling Ontarians that they cannot smoke in their own homes or in outdoor public spaces, but we are taking steps to protect the 80% of Ontarians who do not smoke from the deadly effects of other people's tobacco smoke.

Why are we concerned about second-hand smoke? Because exposure to second-hand tobacco smoke is linked to heart disease, lung cancer and nasal sinus cancer; because exposure to second-hand tobacco smoke can have serious effects on children and is linked to lower birth weights, sudden infant death syndrome, bronchitis, pneumonia, fetal growth impairment and increased rates of asthma and other respiratory tract problems; and finally, because a report released by the Ontario Medical Association in February 2003 estimates that 2,600 Ontarians die from being exposed to second-hand smoke. That report calls for provincial action to eliminate exposure to second-hand smoke.

So, you might ask, who supports this legislation? Well, Ontario doctors, the Lung Association and the Cancer Society. I want to share with this House a little bit about what they have to say. The Ontario Medical Association supports the legislation: "We are very pleased with this government's decision to make Ontario smoke-free," said Mr. Ted Boadway, executive director of the OMA. "This is the first time government has taken such strong action to combat second-hand smoke, we are not only protecting workers and the public in Ontario, but we are leading the way with smoke-free legislation.... If

passed, these new laws will keep people safer from diseases brought on by smoking. Lives will be saved and Ontarians will be healthier."

When it comes to tobacco control, the government of Ontario has a concrete plan to successfully tackle the negative effects of tobacco use in the province.

The Lung Association "has been advocating for tobacco policy reform for many years and is delighted the government is fulfilling its election campaign promise....

"A smoke-free Ontario with no exceptions and no option for ventilation will improve Ontarians' respiratory health and decrease the frequency of asthma attacks and prevalence of diseases such as chronic obstructive pulmonary disease (COPD)

"This new legislation is a step in the right direction. The government's real test will now be to commit to tobacco control in the long run," stated Alan McFarlane.... "This would include significant funding for tobacco control activities."

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From the Canadian Cancer Society:

"This proposed legislation is great news," says Peter Goodhand, CEO, Canadian Cancer Society, Ontario division. "We've been working towards this for a long time. The government has shown that it is committed to a healthy Ontario.'...

"Finally, now everyone across Ontario will be protected from second-hand smoke.... A 100% smoke-free law will save lives."

To ensure compliance, we will dedicate the necessary resources to enforce this new proposed legislation when it comes into effect. This anti-smoking strategy, taken as a whole, is the toughest, most comprehensive and far-reaching in North America.

Why do we need to do this? Because tobacco is the number one killer in Ontario. It's the number one preventable cause of death, killing more people than AIDS, traffic accidents and alcohol combined. It kills more than 16,000 Ontarians each year.

And more than just the human toll, tobacco also takes a horrible economic toll. Ontario spends more than \$1.7 billion a year treating tobacco-related illness, \$2.6 billion is lost in productivity, and it accounts for 500,000 hospital stays each year.

Because of this devastation on lives, families and our economy, we cannot stand idly by. I am proud to be part of a government that is taking up the challenge to protect and strengthen the health of all Ontarians.

Je suis très fière d'être membre d'un gouvernement qui veut protéger la santé des Ontariennes et des Ontariens en proposant une loi anti-tabac, parce que l'usage du tabac et l'exposition à la fumée secondaire est la cause de décès la plus évitable en Ontario.

Nous avons promis d'éliminer la fumée dans tous les lieux de travail et espaces publics fermés de l'Ontario. La loi que nous déposons donnera suite à cet engagement et attaquera la principale cause de décès et de maladie dans cette province.

La loi interdirait l'usage du tabac dans tous les lieux de travail et espaces publics fermés qui ne sont pas principalement des lieux de résidence, à compter du 31 mai 2006. Cela comprendrait les restaurants, les établissements licenciés, les écoles, les clubs privés, les établissements de santé, les stades sportifs, les lieux de divertissement, les véhicules de travail et les bureaux et édifices du gouvernement.

Il s'agit d'un projet législatif équitable et équilibré qui nous aidera dans la poursuite du but absolument indispensable d'Ontariennes et d'Ontariens en meilleure santé. Pour cette raison, nous entendons être très fermes dans la mise en œuvre de cette nouvelle loi.

Nous avons une obligation de protéger et de maintenir la santé des Ontariennes et des Ontariens, et je suis très fière de faire partie d'un gouvernement qui prend cette responsabilité très sérieusement, qui s'engage et qui fait de l'action.

Alors, avec ça je vais laisser la parole à mon ami et pour enfin dire que je suis très fière de supporter ce projet de loi 164. Merci beaucoup.

Mr. Peter Fonseca (Mississauga East): I'm very proud of the opportunity to rise today to be able to share this time with the Minister of Health and Long-Term Care to discuss what is truly a landmark bill, the Smoke-Free Ontario Act.

As well, I'd like to thank my colleagues from London North Centre, Mississauga West and Etobicoke-Lakeshore for bringing forward their stories and their commitment to this act.

It's a bill of which I'm so very proud, of which we should all be so very proud, proud because of the hard work that so many have put into it. Some of those are with us here in the galleries today. But I am even more proud of the fact that this bill, if passed, will protect the health and lives of all Ontarians.

I'm pleased to report to you that since the minister first presented this bill late last year, I've had the opportunity to hear from many groups and individuals, and what they are telling us is so very encouraging. Ontarians are excited that this government is moving forward with its promised anti-smoking legislation.

There is no mistaking the fact that this bill is the right thing to do. I am sure that by now we all know the numbers: 16,000 deaths each year in the province of Ontario related to smoking; direct health care costs of some \$1.6 billion annually; another \$2.7 billion annually in lost productivity.

Admittedly, the very few opponents to this bill have claimed their own numbers, but these have been based on fiction rather than on fact. They claim the loss of jobs among those in the hospitality sector. They say the bars and restaurants will be forced to close if the government moves forward with this legislation.

Here are the real facts. The city of New York has seen a growth in the hospitality sector of almost 11,000 new jobs created and an increase of 8.7% in business since its smoking ban was implemented in March 2003.

Furthermore, I am also happy to report that according to the city of Ottawa's financial reports, over 181 new and expanded bars and restaurants have opened since the city's smoke-free bylaws were enacted in September 2001. The hospitality sector has clearly adapted and continues to expand. Those who would say that bars and restaurants will lose business have failed to appreciate that a vibrant and confident group of entrepreneurs operate our hospitality sector. But these are merely numbers.

Some 16,000 lives are lost every year, over 40 people per day. They're not just numbers; they're parents and spouses, children and friends, real people. Theirs are the only numbers that count. They are the reason that we must move forward with this bill. The Smoke-Free Ontario Act is not about villainizing or punishing smokers. We fully understand the grip that this highly addictive product holds over those it has, and we also understand that while many smokers wish to quit, others do not. They have made the choice to smoke. But the bill was, and is, intended to protect the over 80% of all Ontarians who have chosen not to smoke.

I am sure that everyone here today has heard of Heather Crowe, the waitress who, while never having smoked in her life, is a woman dying of inoperable cancer, the type that primarily affects smokers. Her story was made famous by a series of television and radio ads that warned of the dangers of second-hand smoke. As heart-wrenching as it is, her story is not unique. Thousands of Ontarians are afflicted by asthma, COPD and even cancer, due in large part to their exposure to second-hand smoke. This bill, if passed, will ensure that there will never be another Heather Crowe in Ontario.

In addition, the Smoke-Free Ontario Act would see the end of cigarette displays designed to market to and target our youth with tobacco products. Convenience store owners and gas bars have become dependent on the revenue generated by these displays. We've worked closely with the owners of these businesses in the past to ensure that tobacco products stay out of the hands of minors. I assure you that we will continue to work with them as this bill moves forward.

We're not the only jurisdiction to recognize the dangers of smoking and the harmful effects of second-hand smoke. As both the minister and myself have already had the opportunity to point out, there are jurisdictions that have enjoyed smoke-free workplaces for several years now. This government has had the benefit of learning from the experience of those cities. The ministry and its staff have carefully studied what others have done and extracted best practices from smoke-free jurisdictions around the world.

I am confident that this bill, a balanced one, is both strong and firm, yet compassionate and fair. As I have already mentioned, this bill is based on sound science and best practices.

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While I am confident that we have presented this House a bill that incorporates many of the concerns and

recommendations of the numerous groups, associations and individuals who came before us as we drafted this legislation, I still look forward to the opportunity to hear from my fellow members in this House. As the minister said, the effects of smoking do not differentiate between rich, poor, race, religion, sex or geography. I also look forward to the opportunity of hearing from Ontarians during public hearings, to allow them to voice their opinions, their concerns and their comments on the Smoke-Free Ontario Act.

I'd like to share some of the things that have already been said so far with respect to the Smoke-Free Ontario Act.

Dr. Ted Boadway, executive director of the Ontario Medical Association, said, "If passed, these new laws will keep people safer from diseases brought on by smoking. Lives will be saved and Ontarians will be healthier," and that, "When it comes to tobacco control, the government of Ontario has a concrete plan to successfully tackle the negative effects of tobacco use in the province."

Dr. Robert Cushman, chief medical officer of health for the city of Ottawa, states, "This smoke-free act will prove as worthy as clean water legislation was 100 years ago, and as the introduction of the polio vaccine was 50 years ago. This is good, solid public health."

Charles Fox, regional chief for Ontario: "I understand the application of this legislation is going to be challenging. But I am here as regional chief to give my support in terms of applying this piece of legislation into our communities," and, "Certainly, I, as regional chief, am looking forward to the development of a protocol with this government to look at the application of this piece of legislation for our communities."

Finally, the very reason for our government's commitment and passion to push forward this bill, as the Minister of Health and Long-Term Care mentioned, is Suzanne La Chapelle, former bartender for 20 years, now living with an irreversible lung disease after being exposed to second-hand smoke every day.

She has said: "I am so truly grateful to the government of Ontario for taking this important step in tobacco control to protect all of us."

We, as a government—indeed, all of us in this House—have a responsibility to protect Ontarians from the deadly effects of tobacco and second-hand smoke. We have a responsibility to our youth to protect them from the marketing efforts of big tobacco, to ensure that they do not become trapped by tobacco's addictive nature. We can no longer stand idly by on the issue of tobacco. By the day's end, another 44 Ontarians will have lost their battle with tobacco. We cannot afford to lose this battle, for their sake and for the sake of our children.

Within this legislation it says that all enclosed workplaces and public places will be smoke-free. I've seen a number of studies where it shows that this will definitely protect all Ontarians in enclosed places and it will also help smokers. As different bylaws and legislation have

come through the years, they have shown that when smokers are not able to smoke in the workplace and are restricted from smoking in different places, they do—and I'm talking about smokers—smoke less. And when smokers smoke less, that allows them to take that next step toward stopping smoking.

If you speak to smokers—and we have spoken to many smokers across the province—many will tell you that these barriers, even though they do smoke, are great, because they are helping them in something they want to do. We know that there is a huge percentage of smokers who are looking to stop smoking. We've taken many measures to help them along that road. We want to support them and encourage them in what is a very difficult decision. We've done that by implementing different tools. There is a smokers' helpline. Many smokers who are ready to take that next step call the smokers' helpline, where they can get help in terms of setting up a buddy system with a friend to help them stop smoking, and looking at different ways of substituting that negative habit of smoking with something that is positive. Those smokers' helplines are staffed by professionals who can take smokers through a number of steps and give them the tips and tools and encouragement to help them stop smoking.

We've also supported the Quit Smoking contest, which is launched every year in January, and in March a winner is chosen. That contest works as an incentive. As we know, many smokers pick the New Year as a time to make that resolution because they want to stop smoking. This Quit Smoking contest gives them the incentive to do it, and gives them tips and tools. This year, the incentive is a Ford Mustang. Every year, they put their name in a pool—they sign up on-line—and join with a buddy. They put their name in a pool to stop smoking, and if they stop smoking over that two-month period, which we know will create a good habit for them to stop smoking, they have the opportunity and chance of winning a car. Last year, I believe 17,000 people across the province signed up for that contest. Many have stopped smoking for the rest of their lives. So it has made a huge difference, and that has saved many lives.

When it comes to businesses—I have met with many businesses; many in the hospitality sector, but in all sectors across the province—the majority will tell you, "We want a fair playing field." There has been a patchwork of bylaws across this province. Some jurisdictions have really made inroads in terms of their smoke-free legislation, as we mentioned—Ottawa, London and Kitchener—but others have not taken those necessary steps for the health of our province. This legislation is really about creating a healthy Ontario. I've met with many of these different businesses, and they have said that many were not even able to put in a DSR, or designated smoking room, because of the configuration of the business; where they were located in a building couldn't be adapted to one of these. But next door, they'd have a competitor with an unfair advantage who would have a DSR. Also, many of those DSRs were only feasible for

some of the medium- and larger-sized businesses, and many mom-and-pop types of businesses were not able to compete.

This legislation will give them a fair playing field. As we know, on May 31, 2006, World No Tobacco Day, if this legislation is passed, we will have a fair playing field for businesses across this province, taking the onus off municipalities, something that I feel this level of government should have done a long time ago and that was not done by the previous government.

Dr. Sheela Basrur has been fighting the good fight for a long time, first as the chief medical officer for the city of Toronto and now as the chief medical officer of the province of Ontario. She has looked at all best practices from Florida to California, to what's happening in Ireland and in all jurisdictions, and we have made this legislation one that is comprehensive. It is not one that, as some of my colleagues have said, will be characterized by exemptions. It has happened too often in the past that exemption after exemption has watered down legislation. This is legislation that is going to really be landmark legislation for Ontario, to help Ontario on its way to becoming a healthier province and making Ontarians healthier.

1700

We know that big tobacco preys on our youth. The youth voice often is not heard in the province; it's just not heard at times in government. We wanted to make sure that the youth were heard, that the youth had resources to deliver their message to their peers. A youth tobacco team was set up that discussed among themselves, with resources, how best they could communicate to their colleagues in terms of getting the message across to not smoke, to not even try smoking or experiment with smoking. We know that those who experiment may continue to smoke. For a lot of youth, when they find themselves trapped and addicted to this product, you'll often hear this story, "I'll quit later," but they never do. It is so difficult because it is so addictive.

What this youth group said was, "We've got to create something so fantastic, so creative, so innovative, that other youth will get the message." They came up with a campaign called—you may have seen it in your movie theatres—stupid.ca. Where does this stupid.ca come from? The stupid.ca was that once youth, any Ontarian, know all the facts about tobacco—the 4,000 chemicals, the carcinogenic chemicals that are in tobacco; the manipulative practices of big tobacco to get them to start smoking; the amount it's going to cost them over a lifetime in terms of the thousands of dollars they will lose, and their health along the way—they would not make that stupid decision to start. So once you know the facts, you know it's a stupid decision to start smoking. That's where that campaign came from, and they were so very proud.

Mr. Speaker, you may have been in a movie theatre and seen the ad come up. I've sat in the theatre eating some popcorn—

Mr. Garfield Dunlop (Simcoe North): That's bad for you too, that popcorn.

Mr. Fonseca: —nonbuttered, just regular popcorn; a good carbohydrate—and sitting next to me will be different people, and they will be talking about the ad. They'll go, "Why is that girl holding a metal rod in the middle of a lightning storm?" And they'll go, "Oh, that's because it's a terrible decision to do that, but it's also a terrible decision to start smoking." Those ads have gone over so well that actually they are winning many awards. They have been seen as cutting edge, and they have made a difference with youth because they relate to youth.

Once again, this is legislation that we should all be proud of, that we should all embrace. It's about a healthier Ontario, healthier Ontarians, and saving lives.

Mr. Speaker, thank you very much. Everybody, I encourage you, those who do smoke, to try and take that step toward stopping smoking and making Ontario a healthier place.

The Acting Speaker: Questions and comments.

Mr. Dunlop: I'm pleased to respond to some of the comments made. First of all, let me point out that I've never smoked and never intend to smoke. I can tell you that one thing I believe in is the strength of our rural economy. I know this government has turned their backs on farmers; they've turned their backs on rural Ontario. That's very clear with that. What I didn't hear any of the speakers use was one word, the word "compensation." You want a smoke-free Ontario, with all your government advertising and partisan advertising: We've already seen that. But what I haven't seen is, how are they going to compensate the people they're trying to destroy in business? I haven't seen that. I haven't heard one of the speakers—I think there were six speakers or five speakers on behalf of the government. No one used the word "compensation." We're talking about people who have legitimately entered business for many, many decades—in fact, maybe close to 100 years in some cases—people who have been tobacco farmers and have five and six generations. They've had millions of dollars invested in some of these businesses, and this government wants a smoke-free Ontario and wants to drive these people out of business. I think that if you're going to make a smoke-free Ontario, you have to use one word, and that's the word "compensation." If you're going to allow money for enforcement, if you're going to allow money for government advertising in theatres and newspapers, then there had better be government advertising for compensating the tobacco farmers in this province. I think that is only fair.

We've seen so many cases where the Minister of Agriculture has not stood up for the farmers. I can tell you, there's a deer and elk farm in my riding where he and the Minister of Natural Resources have let them down severely, and here we go again: no compensation then and no compensation again in this legislation. You should be ashamed of yourselves, the way you're treating rural Ontario citizens.

Interruption.

The Acting Speaker: I would have to caution our friends in the gallery that it's totally inappropriate for you to applaud, as much as you may agree with some of the statements that are being made, and I would ask you not to do so.

We'll continue with questions and comments.

Ms. Shelley Martel (Nickel Belt): I will have more to say about this legislation tomorrow night when I do the leadoff for our party, but I just wanted to say a couple of things today. I have tended to look at this legislation in a broader context, and that is with respect to the commitments this government made during the election campaign with respect to its overall tobacco strategy. I see this as one piece of a number of things which the government promised that I thought were going to come together in order to deal with tobacco.

If I go back to the commitments the government made, I see very clearly a commitment for \$31 million a year for a youth mass media campaign. I see \$46.5 million to be set aside for smoking cessation programs, a big chunk of that to particularly subsidize medication for those who are trying to quit and have been unable to. I see very clearly in the Liberal commitments a community transition fund, a \$50-million one-time fund to help those communities make the transition from tobacco growing to some other kind of economy. It was very clear in the Liberal election policy that not only would the Ontario Liberal Party put \$50 million on the table, but they would also put pressure on the federal government to be a part of that transition.

It's not as if the government doesn't have the money to do all these things. We've had three increases in tobacco since just prior to the 2004 budget, and the new revenue coming in totals \$272 million. None of that has been targeted or dedicated either to cessation programs or to deal with the government's commitments around the farming community. I really hoped I would hear talk about those commitments today, and I didn't. I hope, as this debate continues, some member of the government is going to speak to those issues.

Mr. Kevin Daniel Flynn (Oakville): It's a pleasure to join the debate today on the smoke-free Ontario act. It seems to me that some members would like to think this is about the right to smoke or about the right to grow tobacco, and it isn't about any of those things. I think, in general, you'd be blind if you didn't realize that our society and most western societies are moving toward a smoke-free society; there's no doubt about that. I don't think anybody could argue with that. What it's about is the right of people in Ontario to not be affected by the second-hand smoke of others. If you look at other jurisdictions around the world, around our country, around our continent even, you'll see that the writing is on the wall. With the evidence we have now on the harm that is caused by tobacco smoke, it's in society's best interest that we begin the move to a smoke-free society.

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I've had to deal with this issue prior to being a member of provincial Parliament. I've had to deal with

this issue at the local level. We had a patchwork of bylaws, where at one point there were stricter bylaws in Mississauga, stricter bylaws in Oakville and stricter bylaws in Burlington from time to time, and they changed. The municipalities clearly asked the previous government to level the playing field, when you were the government, which you probably won't see for some time.

Medical officers of health in this province agree that we're moving in the right direction.

Interjections.

The Acting Speaker: Member for Oakville, will you pause for a second?

I'd ask the opposition members to please allow the member for Oakville to make his two-minute comment.

The member for Oakville.

Mr. Flynn: I've made my point. I think I upset them, and that's why I stood up.

The Acting Speaker: Further questions and comments?

Mr. Jim Wilson (Simcoe-Grey): I noticed that the Liberal member for Etobicoke-Lakeshore quoted a number of people in the anti-smoking campaign. She failed to quote her own constituent, Mr. Robert Bortlitz, from Stogies H.Q. Cigar Club, 9 Advance Road, Etobicoke, who wrote her a letter on January 18 and sent a copy to me. She apparently hasn't even bothered to respond to this poor fellow's letter. He's a tobacconist.

He says, "There are a handful of tobacconists in Ontario whose primary income is derived from the legitimate sale of tobacco products and related incidentals.

"We have been under relentless attack in the last few years, and this is our sole source of income. The real 'tobacconists' do not sell to minors and the majority of our business is in cigars and pipe tobacco (not cigarettes).

"What has happened to us, we feel is a form of 'expropriation without compensation.'" My colleagues have mentioned that with respect to tobacco farmers.

"Our business has been severely eroded by the fact that the last two rounds of tobacco tax increases did little more than to convince our clients that grey- and black-market purchases are justifiable (cutting deeply into tax revenues).

"While we account for a small percentage of overall tobacco sales in Ontario, we do account for the largest proportion of tobacco tax revenues. However, due to the high taxes, our gross profit margin is extremely small."

He goes on to ask his MPP to put an exception for tobacconist shops in this proposed legislation, as Manitoba has done. The exact wording of the exemption is as follows:

"The proprietor of a tobacconist shop and his or her employees and customers may smoke in a tobacconist shop to test or sample a product if the shop

"(a) is fully enclosed by floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking is prohibited by this act; and

“(b) has a separate ventilation system if the shop is first opened for business after this section comes into force.”

This particular frustrated Ontarian has written to me because his own MPP has failed to respond in any—

The Acting Speaker: One of the government members has two minutes to reply.

Mr. Fonseca: I'd like to thank my colleagues here in the House from Nickel Belt, Simcoe-Grey, Simcoe North, and my seatmate here from Oakville. What we fail to mention here is that big tobacco and this industry have been preying on the lives of Ontarians for too long. They have preyed on our kids and our youth, and now it's time for them to take their dirty hands off our kids and our youth. Big tobacco should compensate all the people whose lives they've destroyed and continue to destroy in this province: the fathers, mothers, sons and daughters whom they've taken away from all of us. That's who should be compensating Ontarians.

Yesterday I had the opportunity to visit Canadian Martyrs, a school in my riding. I was talking to an assembly of young Ontarians, and I said, “Do you know what we do at Queen's Park? Do you know some of the laws that we bring forward? What are some of the things that you would like to see?” The first answer that came out was, “We want to see people stop smoking.”

Well, that's what we're doing with this legislation. We're helping Ontarians to not suffer from second-hand smoke. We're also helping Ontarians, through prevention and protection, to take that step toward stopping to smoke.

Over 80% of Ontarians don't smoke today; there are about 20% who do. Many would like to take that giant step, and this will help.

The Acting Speaker: Further debate?

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I'm here today to speak out against this particular piece of legislation, Bill 164, and its attempt to make Ontario smoke-free. I'll be sharing my time with the member from Halton.

What I just said probably comes as no surprise. I do represent the majority of Ontario's tobacco farmers, many of whom are here today in the visitors' gallery, on both sides, and in the members' gallery. I'm pleased we have representatives here from both the tobacco marketing board and a newly formed group, Tobacco Farmers in Crisis.

However, my opposition to this bill comes not so much from my admiration and my respect for families who continue to grow tobacco—and I do remind the House that it's a legal product. My opposition to the bill has more to do with the fact that there are alternatives. There are alternative solutions. There are other models working elsewhere in other jurisdictions, models that this government refuses to pay any attention to.

By ramming this through, I put that this government shows disrespect not only for farmers but for members of our veterans' associations and Legions, the hospitality industry, the corner store industry and many of their

employees and customers. All of these sectors are suffering.

On December 15, just before we rose for Christmas, without any consultation, this government forged ahead with the McGuinty war on tobacco by introducing this particular piece of legislation. It's a bill that may appear heroic to those catching a teaser on the 6 o'clock news or skimming the headlines in a major paper. However, once you scratch below the surface, it's clear the bill is another fine example of what I describe as show and sham. We all know that this government's interest of late comes down to one thing: taxes and boosting revenue for pet projects. We have a gang here. They are addicted. They are addicted to lining the coffers at the expense of hard-working Ontarians.

I feel that a 100% smoking ban is short-sighted. There is an alternative. It's one that creates jobs and protects the livelihoods of those who already have jobs in the hospitality industry, which is one of Ontario's largest employers. The alternative: ventilation. Ventilation accommodates those who do smoke, and it accommodates those who do not smoke. On behalf of what I consider an already reeling hospitality industry, for example, I call on the Minister of Health to hold a similar summit to protect jobs. On behalf of hard-working tobacco farmers in the House here today, I demand that war reparations be paid from this government, compensation—a word we finally heard in the eleventh hour from the speakers across the House—for those farmers suffering the collateral damage from Mr. McGuinty's declared war on tobacco.

A smoking ban in the city of Toronto has been in place since June of last year. Businesses are reporting they're experiencing a 30% loss in business. A Toronto Sun article on October 3, 2004, quoted Shoeless Joe's franchise co-owner Siva Balakaran as saying, “It was immediately a 30% loss (after the smoking bylaw). Now, with no hockey it will drop down to 40%.” Mr. Balakaran went on to say that he feels customers should be able to choose for themselves. It's simple: If you want to go to a smoking establishment, that's your choice. For non-smokers, they too can choose whether or not they want to frequent a smoking or a non-smoking establishment.

The proposed legislation is not only going to hurt restaurants, bars, taverns, pubs and also farmers, as I've indicated—the farmers in my riding of Haldimand-Norfolk-Brant, Oxford county, Elgin county and elsewhere—Legions and veterans' halls across the province; as well, there's evidence of charity casinos, bingos and corner stores.

1720

With respect to our farmers, we all know—and I appreciate the NDP raising this issue as well—that this government promised tobacco farmers \$50 million in its 2003 campaign and this \$50 million was slotted into the health section of their platform. Again, perhaps in true Liberal fashion, Bill 164 has ignored that promise. That was a year and a half ago. Farmers are in much more

serious financial trouble now than they were a year and a half ago. Things have changed. Tobacco farmers feel abandoned by the members opposite. They certainly have no help and certainly not a keen ear from their Minister of Agriculture, a cabinet minister now dubbed the "health minister in training." If your aim is to put farmers out of business, then at least as a government provide a dignified severance package, one that will allow them to pay off the banks, invest in retraining and get on with their own lives.

Transiting to another crop, which has been suggested by this government, is not easy. How do 1,000 tobacco farmers transit to other crops without stepping on the toes of other Ontario farmers? I think of fruits and vegetables over-saturating their markets.

I attend many farm meetings this time of year. When I go to tobacco meetings, they seem to range from 600 people up to 1,700 people in one very large room because of the crisis in the industry. Last week, a group that I mentioned, Tobacco Farmers in Crisis, provided some background information on what's going on in the United States and how they are helping their farmers who are being put out of business. Both industry and governments recently announced a package to assist growers in the rationalization of their industry. It uses 2002 as the base year for calculations. In the United States, they have come up with \$9.6 billion for their tobacco farmers. That's US dollars. In flue-cured tobacco—this is the type of tobacco we grow in Ontario—the total share is \$5.8 billion, again in US dollars, to be disseminated over 10 years, again, for US farmers.

In the United States, the objective here is not to eliminate tobacco production, but to move abruptly to a lower-cost, improved quality product and a free market system with no price support programs. The US objective is to compensate the grower for loss of equity. In the future, there will be no production restrictions or safety net supports.

How would this apply to Ontario? Tobacco Farmers in Crisis have crunched some figures here, again, based on the 2002 crop. The US 2002 crop came in at about 655 million pounds. Ontario's 2002 crop—the figure I have here is about 108 million pounds. When you work this out, believe it or not, the Ontario equivalent, if they had something similar to their competitors across the border, would be in the order of \$1.1 billion.

That sounds like an awful lot of money. Bear in mind that every single year this government, plus other provinces and the federal government, accrue well in excess of \$8 billion just in taxation on this particular product. That's a \$1.1-billion figure, not a hit in one year. It would be amortized or depreciated out over 10, perhaps 20 years, again depending on market conditions, depending on how many farmers this particular government would continue to force out. Again, that figure is a far cry from the as yet unfulfilled promise, a total of \$120 million for commitments from both the federal and provincial governments in this country.

Prior to November 11, Premier McGuinty encouraged all Ontarians to honour and remember those who served

our country, and I question how this government can justify telling men and women who fought for our freedom in the Second World War that they can no longer enjoy a legal product. In my opinion, they've earned the right to light up in their own club, their own Legion, their own veterans' association. It was obviously OK then for our forces to smoke government-supplied cigarettes while they were overseas. Therefore, why is it not OK to do it now in their own halls?

Corner stores have been mentioned today, and corner stores know full well that this legislation, coupled with the three tobacco tax increases under this regime—the tax on a carton of smokes now is something like \$54; not on native reserves, I might add. Fifty-four dollars just to cover the tax, just to start. The result: We're seeing a continued increase—we see in Toronto an increase in convenience store robberies, burglaries, violence and, in some cases, fatalities at the convenience stores.

Liberal tobacco policy is obviously a dangerous policy for people. I think of my discussions with members of OKBA, the Ontarian Korean Businessmen's Association, who operate so many of these corner stores, stores that are open very late in the evening. I've had meetings with a group that has organized bingo halls in the province of Ontario, and again, I hope this government is meeting with these people.

For example, there are about 200 groups in Ontario that share \$7 million every year just from the bingo halls in Hamilton. Now, it's no secret that many bingo players are smokers. Once a smoking ban is implemented, these folks will head elsewhere. They may head across the border. They may head to native reserves to continue playing bingo.

You know, the real downer in this whole situation with respect to the bingo halls is that we would see so many sport associations for young people, religious and cultural, community service associations, and poverty relief organizations suffer as a result of a smoke-free Ontario that will invariably close down a lot of bingo halls. When one bingo hall closes, roughly 40 charities suffer and ultimately lose much of their operating funds. By the same token, a closed legion is no longer there to support its community either.

With respect to restaurants, over the past few years those in the business have sunk hundreds of thousands of dollars into designated smoking rooms—DSRs, as they are known. Even with the implementation of a designated smoking room, many establishments have lost money. Now this government is saying they have no regard for the time and money that has been put into these special areas—in many cases, up to \$100,000—to build a separate, ventilated smoking area. To add insult to injury, the Ontario Liberals really don't give two hoots that it's now going to cost these same people somewhere in the order of \$20,000 to tear down these designated smoking rooms.

I raise the question—and it's been raised before—is this government purposefully trying to put people out of business? You say your province-wide smoking ban is

about health. Again, consider the stressed-out needs of people and employees who are trying to make ends meet, stressed-out single moms who have lost or may lose that waitressing job, the physical and mental health concerns associated with the stress of losing your business, losing your job, losing your farm. I would invite any member here to come down and talk with some of the farmers in Brant county, Oxford county, Norfolk and Elgin, many who are on the verge of bankruptcy.

1730

Going back to the Toronto Sun, Siva Balakaran, in this article, describes this government as “screwing small businesses” out of survival.

In May of last year, an independent study conducted for the Fair Air Association clearly indicated that smoking bans would severely damage Quebec’s hospitality industry. The research, carried out by Northstar Research Partners, confirmed what the industry has known for a long time: Smokers are better for the hospitality business than non-smokers. According to the results, smokers currently frequent bars and pubs 50% more than non-smokers. This legislation does not plan for that. As with most bills that have been rammed through this House, you have your sights set on appeasing one or two groups—clearly the anti-tobacco activists. As a result, you either can’t see or you refuse to see not only the impact on business; you refuse to deliberate or even consider any alternatives. There are alternatives to such a blanket edict. There is an alternative that does create jobs and protects the livelihood of those who are already working in the hospitality industry, and this alternative accommodates both those who wish to avoid tobacco smoke and those who choose to smoke. That alternative, again, is the continued use of designated smoking rooms and the continued installation and maintenance of ventilation equipment.

Once again, the anti-tobacco lobby has done a fine job of bending the truth, if you will, on this matter of ventilation. Lobbyists tend to use scare tactics instead of sound science to attract media attention. Research does show that proper ventilation projects do protect workers from environmental contaminants such as tobacco smoke.

Just like their Liberal friends across the way, the anti-tobacco lobby has reversed their position in Toronto. There has been a flip-flop on the designated smoking room issue. In fact, in 1999, the Ontario Campaign for Action on Tobacco endorsed a bylaw that allowed for designated smoking rooms. Then, at, I guess in their view, the most politically advantageous time, they changed their minds. Now they’re against it.

To address employees entering designated smoking rooms, I feel it should be voluntary, or we could look to legislation that exists in British Columbia that limits an employee’s time spent in a designated smoking room to 20% of their shift.

Again, groups like the Fair Air Association, hotels, restaurants, bars and pubs don’t want to work against the government. In fact, they would much rather work with

the members across the way. But again, are the members across the way able to listen and work with these people?

Ottawa was mentioned earlier. Ottawa implemented non-smoking August 1, 2001. Since that time, roughly 60 bars and pubs out of the 200 in Ottawa closed their doors. Similarly, since the smoking ban in New York City—that was in March of last year—owners and managers of bars say business is down about 40%. They are laying off hundreds of employees. In British Columbia, in that initial 100% smoking ban bylaw, the initial initiative, the impact in the first 80 days saw losses in the ballpark of \$8 million and 800 people laid off. More recently, and actually in good time, smarter heads prevailed in British Columbia and that issue has been rectified with the kind of alternative I was talking about earlier.

I understand casinos in Las Vegas, for example, have been warned they are next on the agenda of a very well organized anti-smoking lobby. Again, lost jobs and lost revenue would be the result. Smokers will go elsewhere to gamble, to shop and to spend money. The gaming industry has been dealing with smoking and ventilation issues for many years. The antis claim that smoking bans have not had a negative effect on casino business. I would like to see some Ontario research on this issue. I would put it forward to this government to come up with some facts.

Casinos in the state of Delaware have been under a smoking ban since 2002. They’ve seen customers flock to native casinos or casinos in nearby states that allow smoking. A recent air quality study at the Bellagio resort in Las Vegas, a resort with a ventilation system, found that casino employees breathed the equivalent of smoking one or two cigarettes a year. Obviously the air within this casino is cleaner than the air outside. We know, for example, that in the mining industry, ventilation protects miners a mile or more underground from chemicals. Why would this not be an option for this government with respect to allowing smoking in those licensed establishments that wish to cater to customers who like to have a cigarette or a cigar? Is this about protecting customers from the nuisance, for some, of second-hand smoke, or are we looking at an across-the-board vendetta against the legal use of tobacco?

I guess my question is, can this government guarantee bar owners, pub owners and restaurant owners that anti-smokers are going to come forward and spend more time in their establishments once they are forced to go smoke-free? I don’t think it’s going to happen. I guarantee it’s not going to happen. I refer again to the independent study: Almost 70% of non-smokers surveyed said that a smoking ban would have no impact on the frequency of their visits to bars and pubs.

In a Windsor Star article last November, Linda Kramer, who owns the Meadows Roadhouse in Essex county, describes the economic situation of her establishment after a smoking bylaw was implemented. “It’s devastating,” Kramer says. She goes on to say business dropped 53%—that was in one month. She lost her Sunday afternoon NASCAR crowd. The restaurant used to be full; now she has two people for NASCAR races.

Banning smoking in bars, pubs and restaurants across Ontario is not going to force people to permanently butt out. What it will do, however, is force them to stay home and smoke. Again, studies from the Brewers of Ontario tell us that people stay home and smoke in front of their children, quite possibly in an unventilated environment.

There are so many pieces of evidence. Again, I'll make reference to a quote from Karen Bodirsky with respect to the layoffs predicted in the industry: "It's an open and shut case," she says. "If you shut down smoking, you shut down small business. If you open up to ventilation, you open doors for small business across the province."

I made mention of the dire straits our tobacco farmers have found themselves in, particularly over the last several years. As an MPP for tobacco country, I reiterate that a promise of \$50 million was made by this particular government. That was a year and a half ago. The time has long passed. There was a promise made by your federal cousins to cough up \$71 million in assistance. This came from former ag minister Bob Speller. I don't see anything about this in this legislation or in any of the discussions. I have heard nary a word about this in any of the questions that both MPP Ernie Hardeman and I have put forward to the Premier and to the finance minister in this Legislature—questions that were often bounced over to the ag minister, who really had nothing more to say than to give us a lecture on smoking. Tobacco farmers are growing tired. They're tired of seeing the dodging of questions on where the money is. They are going broke, as we all know. They are desperate.

On the issue of collateral damage—and I'm going to turn this over to my colleague from Halton very soon—I suggest that as a primary industry, farming in much of southwestern Ontario has always had, and continues to have, a beneficial effect on the rest of the economy.

1740

There is a gentlemen here today in the members' gallery, Mark Bannister, with Tobacco Farmers in Crisis. He did a presentation last week to 600 farmers, and he just read out some headlines from the local Delhi News-Record. Delhi is a tobacco town. They just lost their last new car dealership over the last few years. This town has now lost all three of its new car dealerships. Here are some of the headlines: "Growing Angry—Farmers Show Their Frustration with Blockades," "Delhi Dodge Mum on Future," "We are at War," "It's About More Than Smoking," "Civil Disobedience is not the Answer," "ATV Stolen from Garage," "Help Crime Stoppers Solve Tobacco Theft," "Tobacco Stolen in Pine Grove." As Mr. Bannister indicated, this was just one edition of a great small town newspaper in Delhi, just down the road from Tillsonburg.

Delhi Dodge just recently closed. I think that's a measure; that's the real world. I would invite anyone here to come down to Delhi or Tillsonburg, or to other tobacco towns like Ohsweken or Caledonia, and take a look for yourself.

Mr. Ted Chudleigh (Halton): Well, here we are. I thank the member for Haldimand-Norfolk-Brant for

leading off. Bill 164 is an interesting bill because it's a nanny bill, part of the nanny state: Big Brother knows what's best for us; this government knows what's best for us, knows what we should do. It knows what we should do with our spare time. It knows that we should eat sushi that is only frozen, or is it that we should eat sushi that's only fresh? Maybe now we can eat sushi however we want it. This government knows best and will tell us whether we can eat sushi or not. I think the last time they came out with something it was that now we can eat sushi again. Personally, I don't think it's any of their business. I think most people in Ontario are big enough to make up their own minds about what they want to do.

The other thing they like to do is tell us what kind of pets we should have, whether we should have pit bulls or some other kind of pet. When the minister led off this afternoon on this bill, he talked about the smoking ban that Italy has just introduced. Well, in Italy they have banned 70 different breeds of dogs. Is that what we want in Ontario? Do Ontarians need to be guided as to which dogs they can have? Bill 164 is telling us what we can do, and maybe it's a prelude to banning another 69 breeds of dogs, and pit bulls are just a start. Being a Big Brother, it's important that this government has to look after Ontarians, who can't make up their own minds about these things.

Remember, about pit bulls, that a dog is born and raised by an individual, raised by an owner. If that owner creates a pit bull that is a danger to society, then that owner should pay the price, not the pit bull, not the dog. The perpetrators, I would submit, are two-legged perpetrators, not four-legged perpetrators.

Bill 164, the Tobacco Control Statute Law Amendment Act, 2005: Here we are in February 2005 and Ontarians are very concerned. They're concerned about their health care. They're concerned about their doctors, who are going on rotating strikes. They're concerned about going to the hospital and not being able to get service. They're concerned about their hospitals being underfunded. They're concerned about nurses. They were promised there were going to be 8,000 new nurses hired in Ontario. The latest they've heard is there are almost 800 nurses, 750-odd, being fired. Ontarians are very concerned about these things, along with education. But are we debating these issues? No. We are here debating Bill 164. We're looking for a resolution to Bill 164, a bill that basically abuses farmers.

This government loves to pick on farmers. I don't know what the farmers did to them, but they must have done something really bad, because this smoking ban directly affects tobacco growers, and nothing in this bill—nothing, not one thing in this bill—will help Ontario's gentlemen of the soil. Not one thing will help them get over the hump of what this bill is going to do to their livelihood as they produce this legal product in Ontario. This is only one bill of a long list of bills this government introduced that tend to abuse farmers.

The greenbelt regulations: Now, there's a beaut. When a peace of legislation is introduced in this House, you ask

maybe three questions concerning where this bill is. First of all you might ask yourself, is this bill right? Is it the right thing to do? The second question you might ask yourself is, is it just? Is it just to Ontario? Is it reasonable? Is it fair? The third thing you might ask yourself is, is it in the public interest? On occasion, you get politicians who will play with politics and play with public opinions, and the greenbelt legislation is one of those bills, like perhaps Bill 164 is as well.

Is it right? Well, I don't think very many people would argue against the preservation of green space in our society today. The preservation of green space is a good thing. Is it right? Yes, it probably is right. Is it just? Well, now the cheese starts to bind a bit. Is it just? Who's going to pay for it? Where are the costs going to come from? Who's going to be put out by this bill? Well, the people who own the land are going to shoulder the vast amount of the costs of this bill. Their lands are being restricted. So a minority of people in our society are being charged the costs for the greenbelt, and that is patently unfair. Farmers are being asked to shoulder the burden of the costs of the greenbelt legislation, as they are with Bill 164, and that is patently unfair. If society in Ontario believes that these things are right and in the public interest, then they have a moral commitment to pay for the people who are going to shoulder the costs. Those people who are shouldering the costs in both of these issues are farmers in Ontario, and that is unfair.

It's difficult: When you start picking on a minority, you've got to be pretty careful, because every one of us is in a minority of some sort. The next minority that a government might want to pick on might be one that affects you. So you want to be pretty careful about what minority you're going to pick on and support through that process.

Another group of farmers, the horse farmers—there are a lot of horse farmers in the larger GTA, as there are all across Ontario. I believe I have more horses in Halton than there are in any other riding or district in Ontario. It might be the horse capital. A lot of those are racing horses, but there are also a lot of saddle horses and riding horses. One of the problems with horse farms is that as soon as you try to do a little more to create some economic activity on the farm, and of course the government is always encouraging you to do these things, right away they increase your taxes. If you're going to improve yourself in one fashion, you're going to take one step forward, and in the horse area you can very easily take two steps back with the increase in the cost of taxes that are being foisted upon you. So how do you get ahead when you're on the farm and you're following the advice of government as to what they want to do, and really all they're trying to do is increase the revenue they can get out of any particular area?

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Another area, in the last three years, really, that the farmers have had a tremendous problem with is the ban on exporting cattle to the United States. The government was very slow to react, with a very inadequate response.

There has been no comprehensive plan for long-term agricultural viability coming out of this government or coming out of the federal government. That is the difficulty with farming in this country. Farming has always been the second-largest industry in this province. It is an important industry. It finances a tremendous amount of economic activity across the province. Not to have a viable economic plan for agriculture is really disgusting, both at this level and at the federal level.

Now that we're discussing Bill 164, this very important piece of legislation to the people of Ontario—it's certainly very important to the farmers of Ontario; I'm not sure how important it is to the people of Ontario. You wonder what the farmers did to make this government so upset.

I apologize for my voice. Excuse me; I've had a rather bad cold for the last couple of days, and it seems to be catching up to me.

You wonder what the farmers have done to upset this government. If you look at the results of the last election, the Liberals seem to have gotten their fair share of Liberal votes. Farmers are certainly hard-working citizens in Ontario. Why have they become the whipping boys of this government, the whipping boys of the greenbelt legislation, the whipping boys of the tobacco—

Interjection: Scapegoats.

Mr. Chudleigh:—scapegoats, who are not receiving any compensation for any of these government regulations that keep coming down one after the other?

I wonder if I might suggest to the government that a day of hearings on this bill might be very worthwhile. Sometimes the government gets detached from the people that it is supposed to represent. Perhaps a day of hearings on this bill that could be held in Delhi or Tillsonburg would tend to reconnect this government with the people of those regions who are dealing with growing tobacco. That would allow them to get a sense of how the people in that area feel about these regulations.

Interjection: They haven't consulted at all on this.

Mr. Chudleigh: No, they haven't consulted on this bill, and there is no plan to, apparently. But I think it would be a wonderful idea if this government would consult with the people of the tobacco-growing areas—I would recommend Tillsonburg or Delhi—to bring them a true feeling of how this bill is being looked at in the country.

The other part to this bill that is interesting is that yesterday the government announced an expansion of the Windsor casino, a \$400-million expansion. That casino, which depends on—80% of its customers are from the Detroit area, the United States. Many of them, of course, are smokers, as a lot of people in the United States are. When they come to the casino in Windsor, they're going to find that they can no longer smoke in that casino.

That might put in question the \$400-million investment. If that were my money, and perhaps if it were some of your money that you were investing in that kind of thing, you might have pause: Do I want to invest \$400

million into a facility where 80% of my customers have an alternative, that they can go somewhere else and gamble? There are casinos in Detroit; there are casinos in other areas not too far from there where they could gamble. You may find that that \$400 million of our money—that's our taxpayers' money that we're investing—might not be a very wise investment at all, coupled with the fact that getting across the border in Windsor is a huge problem. Trucks in Windsor can wait four or six hours for a crossing into the United States, or from the United States into Canada. Those wait times are horrendous, and of course the economic impact of that is tremendous as well.

You can't get across the border, plus you can't smoke when you get here. I don't know; I think that \$400 million might be in jeopardy. I certainly wouldn't want to be making that investment with my money as a taxpayer in Ontario. Perhaps I could take my share of that \$400 million and put that someplace else. Maybe I could hire half a nurse or something with my portion.

The Detroit border is the most active economic border in the world. It has the highest trade balance of any border point anywhere else in the world, and although there are tunnels and bridges and ferries and rail facilities going across, it is disgusting to this province's economic future that that border crossing can take four to six hours for freight to cross it.

We've often heard the fact that from Toronto—or from Cornwall, for that matter, or the Quebec border—there are 14 traffic lights between there and Miami, Florida, or Texas, for that matter. There are 14 traffic lights, and those traffic lights are all in Windsor.

The events of 9/11 were horrendous, of course. During the aftermath of that, there was a lot of movement to fix the border problems, not only in Windsor, but also in the rest of Ontario and Canada. A lot of those issues have calmed down; they have fallen by the wayside. That's too bad because those are economic issues we should be addressing. We should be talking about those in this House today. But no, we're talking about Bill 164, a bill that is going to beat up on farmers, as opposed to creating economic activity by making the border crossing areas of

this province more fluid and better for business that will create jobs and economic activity in this great province.

Speaking of the Windsor border, before I leave that subject, the Schwartz report is an excellent report commissioned by the city of Windsor. It looked at all the border crossing areas and how they could be improved, and it did so in a sequential way. Some of them could be improved in six months, and some of them could be improved in a year or two years, depending on what the investments are. This government, rather than investing \$400 million in the Windsor casino, would do very well to look at the Schwartz report and consider the economic activity that would be developed out of that report and that investment, as opposed to beating up farmers at every turn they take.

The other area that is very difficult in Bill 164 is the effect it is going to have on the small retailers in Ontario. Whether it be a small retailer or whether it be a small businessman who is a farmer in the province, this government seems to like to put the pressure on these areas. Small businessmen are going to have to cover all the displays, and they're going to have to turn their back on their customers when they come in to buy a product. All of those things are going to create problems for retailers.

I don't think the government has thought this through in the way in which they should in bringing in this bill. I would recommend this government take a step back, have some hearings on this bill, do a little more research on the economic impact this bill is going to have in the province of Ontario, and have another go at it.

I don't think anyone is opposed to reducing smoking in the province of Ontario; it's how you go about it and it's how you compensate the people who are directly affected by it. That's the fairness of the issue and that's what this government should look at.

Is that a good time to break, Mr. Speaker?

The Acting Speaker: It is. Well done.

It being 6 o'clock, this House stands adjourned until later on this evening at quarter to 7.

The House adjourned at 1800.

Evening meeting reported in volume B.

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Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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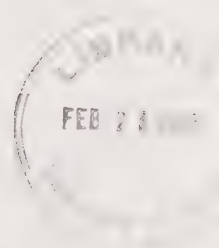
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Tuesday 15 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 15 février 2005

The House met at 1845.

ORDERS OF THE DAY

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Mr. Watson moved second reading of the following bill:

Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

The Acting Speaker (Mr. Ted Arnott): I recognize the Minister of Consumer and Business Services. I look to the minister to initiate this debate.

Hon. Jim Watson (Minister of Consumer and Business Services): Thank you, Mr. Speaker. I'd like to share my time with Mr. Brownell, the member from Cornwall, and my parliamentary assistant Mr. McMeekin.

It's my pleasure today to rise in support of Bill 158, the Film Classification Act, 2005, legislation that, if passed, will modernize Ontario's outdated film classification system.

The act responds to the needs of consumers and parents for a safe and informed marketplace. It protects the rights of adults to choose for themselves what types of films they see and use, and it deals with ways to simplify compliance for film distributors by harmonizing standards and services with other provinces.

If passed, this legislation will replace the outdated Theatres Act, an act that has not been updated in over 40 years. Not since the epic *Lawrence of Arabia* won best picture 40 years ago has this particular act been updated. Since then, the Theatres Act has been repeatedly amended in a piecemeal fashion. The result: legislation containing obsolete provisions, archaic language and standards that are generally at odds with modern statutes.

Our government recognizes that reforms are needed to modernize standards to better protect consumers; to respond to emerging media technologies such as digitally distributed film; to improve enforcement and more efficiently use enforcement resources; to streamline licensing requirements, reducing costs for business and improving government efficiency; and to facilitate harmonization of classification standards, enabling the

government to streamline and improve service delivery across Canada.

The new Film Classification Act, 2005, if passed, will give Ontario the legal authority to regulate the film exhibition and distribution industries and to ensure compliance with modern marketplace standards.

Comme auparavant, cette loi autorise le gouvernement, par l'entremise de la Commission de contrôle cinématographique de l'Ontario, à classer les films en fonction d'un âge approprié, et elle offre des normes qui permettent de s'assurer que les enfants ne pourront pas louer ou acheter des films ou des jeux vidéo conçus pour un public adulte.

1850

The usefulness of this classification system is clarified by Mr. Bill Moody, who served this government and the previous government as past chair of the OFRB. He was a public educator. He said, "It has become impossible for parents to be able to be at the cutting edge of every movie or electronic game their child may be exposed to. A classification system that provides a consistent reporting to which parents can refer, that is clear and transparent, has become a ... real necessity."

I want to thank Mr. Moody for his service to this province as chair of the Ontario Film Review Board. He was a member for several years, and he was chair for the last couple of years. He did a wonderful job for the people of Ontario. We thank him, as he just recently retired.

However, recent circumstances have necessitated changes to the act.

In January 2002, Glad Day Bookshop and an individual were convicted of distributing an unapproved film. The film had not been submitted for approval and classification to the film review board. The defendants appealed their convictions to the Ontario Superior Court of Justice.

On April 30, 2004, the court released its decision on the appeal. It declared that the Ontario Film Review Board's approval or censorship powers were too broad and violated freedom of expression, which is guaranteed by the Charter of Rights and Freedoms. The court also ruled that the censorship and classification powers in the Theatres Act must be separated to comply with the charter's guarantees.

To give the government time to implement the necessary legislative reforms and to develop legislation that separates the board's approval and classification

powers, the court suspended its decision for one year, until April 30, 2005.

The government chose not to appeal the court's decision in the Glad Day Bookshop case. Instead, the government moved quickly to repeal the outdated Theatres Act and replace it with a modern and responsive legislative framework, a framework that meets the needs of the Ontario citizenry in the 21st century.

We believe that adults should be able to choose the films they see and the video games they play within the standards consistent with the Criminal Code of Canada. However, in discussions with the federal government, the Ministry of Community Safety and Correctional Services, and the Ontario Women's Directorate, a shared view emerged that the provincial government should continue to exercise some approval powers over adult sex films within the limits of the Criminal Code.

The Ministry of Community Safety and Correctional Services and the Ontario Women's Directorate emphasized the deterrent value of having the government continue to review and approve adult sex films. This sends a strong message to the industry that extreme content that violates the Criminal Code will not be accepted in the province of Ontario. British Columbia, Saskatchewan, Quebec and the Maritimes share this view and continue to review and approve adult sex films.

I applaud my colleague opposite, the member for Leeds–Grenville, who also supports this view. I quote from Canadian Press on December 10, 2004, where he states, "We want to retain in the province some ability to not allow every horrific piece of celluloid to be available to the people of Ontario."

Through interim regulatory changes, we have significantly reduced the Ontario Film Review Board's approval power to deal only with adult sex films that meet the criteria for Criminal Code obscenity. Any film that the board believes is in breach of the Criminal Code will be handed over to the police. At the same time, we've maintained the requirement for all films to be submitted to the review board for classification, ensuring that consumers and parents have the information they need to make informed choices for themselves and their families. This is a balanced approach that we feel will meet the needs of the public while complying with the recent court decision.

Our approach is also supported by the Public Interest Advocacy Centre in Ottawa. I quote Ms. Sue Lott, counsel at the PIAC: "As a consumer organization, the Public Interest Advocacy Centre supports the government's initiative, through the Film Classification Act, to provide helpful information to Ontario consumers. We are also pleased that this legislation respects the Charter of Rights' important protections around freedom of expression."

The proposed regulations to Bill 158 will set out the details regarding the board's classification standards and approval criteria. The approval criteria under the Bill 158 regulations will mirror the narrow criteria we im-

plemented last spring to be consistent with established standards for criminal obscenity.

In addition, this proposed legislation acknowledges changes in the marketplace and changes in technology, and initiates new approaches to government service delivery.

Changing out-of-date legislation takes time, but some issues can't wait. That's why, in April 2004, as part of Bill 70, the Ministry of Consumer and Business Services Statute Law Amendment Act, the McGuinty government introduced measures to address growing public concern about violent video games and their effect on children. These changes are reflected in the new Film Classification Act, 2005, in order to continue the government's commitment to parents.

The fact is that the world has changed in the last 40 years. Video games were not around then. People from my generation grew up with things like Pac-Man, which were not exactly violent. Then you have the next generation, young people like Mark Olsheski, right over there, from Pembroke, Ontario, who has grown up with video games, and some of these video games, as we all know, are extremely violent.

Mr. Dave Levac (Brant): He's not warped.

Hon. Mr. Watson: No, not at all. He's not warped at all. He's a great Canadian.

These measures would let the film review board adopt video game classifications provided by the industry-based Entertainment Software Rating Board and will prohibit retailers from selling or renting adult-oriented video games to children and youth.

Many of you here today are aware that children's exposure to movie and video game violence has become a significant public policy issue worldwide, especially with the development of advanced information technologies. We've reviewed the literature on media violence and learned that the findings are consistent.

Studies like the 2004 Media Violence as a Risk Factor for Children tell us clearly that exposure to media violence results in increased aggressive attitudes and behaviour. In other words, viewing violence in movies, videos and video games leads to changes in children's values to favour the use of aggression to solve conflicts.

While media violence is not the only or most important cause of aggressive behaviour, it is certainly one of the critical factors leading to it. Given the evidence that exposure to media violence increases aggression, this government believes it is important to reduce our youth's exposure to media violence and to raise awareness of this issue.

With the introduction of our legislation, the McGuinty government is taking action on this particular issue. The new legislation ensures that parents are provided with consistent and transparent information on the content and age appropriateness of film and video games. Children will be prohibited from purchasing or renting mature or adult-oriented material.

Our government is aware of how accessible adult or mature movies and video games are to underage

audiences. The results, for instance, of a survey conducted by the US Federal Trade Commission in 2004 revealed a number of interesting facts: 69% of teenaged shoppers were able to buy video games rated for mature audiences, 81% were able to buy R-rated DVDs and 36% were successful in buying tickets for admission to restricted films at movie theatres.

We agree with the US Federal Trade Commission's recommendations that media industries should do more. For example, media industries should provide clear and conspicuous information on ratings and the presence of violent content. They should also enforce compliance with classification policies, and we applaud the industry in Canada for taking a leadership role in sharing responsibility.

That's why I was pleased several months ago to work with the Retail Council of Canada and their Commitment to Parents initiative, which ensures that consumers buy or rent video games suitable to the age of their children. The Ontario government, along with our provincial counterparts, actively supported this campaign.

Let me quote Mr. Doug DeRabbie, director of government relations at the Retail Council of Canada: "This legislation reflects this government's belief that when it comes to protecting our children from access to video game material that is inappropriate for their age, the first and best line of defence is parental education."

Ms. Melanie Cishecki, executive director of MediaWatch, believes that the Commitment to Parents partnership is "a welcome step in the right direction."

Ms. Francine Filion, spokesperson with the Canadian Teachers' Federation, suggests that "too many children are watching films and playing games that aren't suitable for them. This will make parents think twice about it."

This initiative is giving consumers the tools they need to really understand video game ratings and make the right choice. Our partnership with the Retail Council of Canada demonstrates our government's commitment to working with our industry experts to bring about change that consumers and parents want.

Our government, the retail council and everyone in this room, I believe, share a common goal: We want parents and consumers to have the information they need to select or recommend age appropriate titles for children and youth, and we want the information we provide to be as clear and as objective as possible.

1900

Outdated legislation is a barrier to Ontario's efforts to harmonize classification standards and services with other jurisdictions. Standardization of film classification systems will provide more consistent information for the many consumers who are confused by the current overlapping and inconsistency of information.

We also recognize the need to address gaps caused by emerging technologies. New waves of media technology are expanding the media marketplace and challenging previous definitions of film and the capacity of governments to regulate these technologies. The Internet, video-on-demand, video games and wireless technologies

are among the growing forms of new media. The new media are converging with traditional media technologies such as 35 mm film, home videos and television to create a more sophisticated marketplace for visual entertainment.

We believe that the rapid pace of technological change challenges our existing regulatory framework and compels governments throughout the country to develop innovative regulatory strategies. Greater collaboration with the federal government may be required to develop a comprehensive approach to regulating new media.

L'Ontario collabore avec d'autres compétences au Canada pour développer des façons de mettre en oeuvre un système plus commun de classification des films à l'échelle nationale, soit un système fondé sur des normes uniformes et des partenariats pour offrir des services.

Ce gouvernement croit qu'un nouveau cadre de travail plus moderne permettra à l'Ontario d'avoir des partenariats avec d'autres compétences pour offrir des services relatifs à la classification des films.

In conclusion, I want to stress that we are not modernizing this legislation in a vacuum. We have spoken with parents, consumers and the film distribution and video game industries to develop a balanced and effective system. We have listened to the views of the Consumer Council of Canada, the Retail Council of Canada, the Canadian Motion Picture Distributors Association, the Motion Picture Theatres Association of Canada, the Public Interest Advocacy Centre, the Media Awareness Network of Canada and the Interprovincial Film Classification Council of Canada, to name a few, in addition to several individual parents who have contacted me, showing their support that this is not simply big government coming and trying to micromanage individuals' lives; what it is doing is providing education so a parent knows what the child is watching or playing. A game that is clearly inappropriate for a seven- or eight-year-old should not be in the hands of a seven- or eight-year-old if the parent does not want the child to be exposed to that kind of violence.

This legislation, if passed, will modernize Ontario's film classification system. As the Ottawa Citizen's editorial stated on December 13, 2004, "The Ontario government is doing the right thing by getting out of the film censorship business."

I'm proud of the McGuinty government's ability to provide a balanced and effective response to the many stakeholders affected by this much-needed legislation. I urge all members to lend their support to this important legislation. I look forward to hearing debate. I thank my colleague Mr. Brownell for his comments in just a moment, and my parliamentary assistant Mr. McMeekin for his comments that we will be hearing in just a moment or two.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): It is my pleasure to be here this evening to speak about Bill 158, the Film Classification Act, and to tell this House about our government's legislation to modernize Ontario's outdated film classification system.

It is a system that affects virtually everyone in the province and provides many advantages to the film exhibition and distribution industry sectors.

Let me start by giving you some of the history behind Ontario's new Film Classification Act and the role of the Ontario Film Review Board. Then I'll describe some of the changes our government proposes in this new legislation, changes that reflect this government's commitment to improve the way it serves consumers and business. Finally, I'll talk about how this government is forming partnerships with other jurisdictions and with industry to deal with new media challenges and emerging technologies.

The new Film Classification Act, 2005, continues the Ontario Film Review Board's authority to classify films according to age appropriateness. It also separates the film review board's approval and classification powers to respond to the recent ruling by the Ontario Superior Court of Justice. I know that the minister spoke on this, but I would like to review it.

Recent circumstances have made changes to the existing film classification system and the review board necessary. In January 2002, Glad Day Bookshop and an individual were convicted of distributing an unapproved film. The film had not been submitted for approval and classification to the film review board. As we know, the defendants appealed their conviction to the Ontario Superior Court of Justice. On April 30, 2004, the court released its decision on the appeal. It declared that the Ontario Film Review Board's approval powers were too broad and violated freedom of expression, which is guaranteed by the Charter of Rights and Freedoms. The court also ruled that the approval and classification provisions in the Theatres Act must be separated and comply with the charter's guarantees.

The McGuinty government chose not to appeal the court's decision in the Glad Day Bookshop case. Rather, this government felt that repealing the outdated Theatres Act and replacing it with a modern and responsive legislative framework was the responsible action, and I wholeheartedly agree. The government recognized that to deliver real, positive change, it had to take a fresh, modern approach to governing film and video games in Ontario.

The McGuinty government recognized that full-scale reforms were needed: (1) to modernize classification standards to better protect consumers; (2) to respond to emerging media technologies such as digitally distributed film; (3) to improve enforcement and more effectively use enforcement resources; (4) to streamline licensing requirements, reducing costs for businesses and improving government efficiencies; and (5) to make it easier to harmonize classification standards and delivery of services across Canada.

With the new Film Classification Act, the government continues its commitment to classifying film according to age appropriateness and to provide content information that helps the public make informed viewing choices.

As well, the legislation allows the government to develop new standards to respond to emerging marketplace changes and changes in technology. The new Film Classification Act gives Ontario legal authority to regulate the film exhibition and distribution industries and to ensure their compliance with modern marketplace standards.

Changes to the legislation separate the Ontario Film Review Board's classification and approval powers, more fully responding to the Superior Court's decision in the Glad Day Bookshop case. The new act continues the authority of the Ontario Film Review Board to classify films according to age appropriateness, and puts in place a system of standards to ensure that children are not able to rent or buy mature or adult-oriented film or video games.

In addition to changing the mandate of the Ontario Film Review Board, this new legislation ensures that consumers will be better informed about both film and video game classification and better able to make responsible, age-appropriate viewing choices. Classification categories for film detailing the age restrictions and conditions that apply in each category will be set out in regulations to the act.

Interjection.

Mr. Brownell: It is very important.

These categories are identical to the categories used by other provincial film boards across Canada. Standardization will provide more consistent information to the many consumers who are confused by the current overlapping and inconsistencies of classification information.

In reviewing the legislation, we have found that the level of understanding of the various classification systems among consumers is very low. Most consumers do not know which level of government is responsible for classifying films or what role the film industry has in providing classification information, and few consumers or people in the industry understand the meaning of the ratings. This lack of understanding of film classification systems reduces their effectiveness as tools for parents to determine age-appropriate viewing for their children. It also creates confusion and inefficiencies within the film exhibition and distribution industries.

Many of you here today are aware that children's exposure to movie and video-game violence has become a significant public policy issue worldwide, especially with the development of advanced information technologies. We hear constantly, in newspapers and on television, reports about the violence of these movies and video games and the connection to young children. Among new media technologies, high levels of public attention have focused on the influence of video games on children. Constant improvements in graphic technology mean that video game images are becoming increasingly realistic. They are also becoming more violent as they become more popular among adult audiences. These developments mean that children are at risk

and governments are under pressure to better ensure children are protected.

1910

This issue also creates demands for increased regulation of the industry. The McGuinty government took swift action on this issue in 2004 through Bill 70, which revamped the regulation of video games. These changes are reflected in the new Film Classification Act, 2005, to continue the government's commitment to parents. The new legislation improves regulation of the film and distribution sectors so that parents will get more information on the content and age appropriateness of film and video games, and children also will be unable to purchase or rent age-inappropriate material.

Ontario has been collaborating with other jurisdictions across Canada to develop ways to implement a more common national film classification system, a system that is based on uniform standards and partnerships to deliver services. We have, for example, been collaborating with other jurisdictions through the Inter-provincial Film Classification Council of Canada. This council was set up in January 2003 to develop a strategy for creating a common national classification system for film and video games. This initiative has been co-chaired by Ontario and British Columbia. In January 2004, the working group recommended ways to streamline services and harmonize standards to develop a more uniform classification system across Canada. In fact, the direction taken in our new legislation in relation to video and computer games is reflective of the direction provided by the interprovincial council.

This government believes that a new, modern legislative framework will allow Ontario to enter into future partnerships with other jurisdictions for the delivery of film classification services. As well, this government has committed to exploring service delivery partnerships with other jurisdictions to reduce costs to the government and improve services to consumers and businesses.

We must also make sure that there are strong enforcement measures in place, and this new legislation does just that. It creates a framework of penalties for video game retailers who sell age-inappropriate material to children by allowing the government to adopt and enforce the well-known classification ratings of the industry-based Entertainment Software Rating Board.

In addition, new waves of media technology are expanding the media marketplace and challenging previous definitions of film and the capacity of governments to regulate these technologies. The McGuinty government recognizes the need to address gaps caused by emerging technologies. Video on demand, video games and wireless technologies are among the growing forms of new media.

This new media is converging with traditional media technologies such as, as we know from the past, 35mm film, home videos and television, to create a more sophisticated marketplace for visual entertainment. We believe the rapid pace of technological change challenges

our existing regulatory framework and compels government to develop innovative regulatory strategies, and this is just exactly what we are doing. Greater collaboration with the federal government may be required to develop a comprehensive approach to regulating new media, such as addressing some of the content that is available over the Internet.

With modern distribution channels and more global forms of entertainment technology, the film marketplace is no longer just an interest of local government. The new Film Classification Act allows for meeting changes in the marketplace. It reflects changes in technology, and it initiates new approaches to government service delivery.

I want to emphasize that this government is committed to building partnerships with the private sector, partnerships that will work to make Ontario strong, healthy and prosperous. We agree with the US Federal Trade Commission's recommendations that media industries should do more. For example, media industries should provide clearer and conspicuous information on ratings and the presence of violent content.

Yes, they should enforce compliance with classification policies. That's why we fully support the Retail Council of Canada's recent Commitment to Parents initiative, which ensures that consumers buy or rent video games suitable to the age of their children. This program is giving consumers the tools they need to really understand video game ratings and make the right choices.

We also understand that retailers are voluntarily involved in this program. They include the Bay, Zellers, Best Buy, Blockbuster Canada, EB Games, Future Shop, Radio Shack, Rogers Video, Toys "R" Us and Wal-Mart, and we applaud them. These retailers are displaying store signs that promote awareness of the Entertainment Software Rating Board's rating system, and they agree not to sell or rent games rated mature or adult-only to underage children and customers.

I am pleased that with this initiative our government is once again partnering with the private sector to bring about much-needed change as we work to streamline, modernize and harmonize video game classification. The McGuinty government, the retail council and everyone in this room share a common goal—yes, we do. We want parents and consumers to have the information they need to select or recommend age-appropriate titles for children and youth. We want the information we provide to be as clear and objective as possible. Yes, we believe it will be with the support of our partners in the film exhibition and distribution industry that good things will happen.

I want to stress that the McGuinty government is not modernizing this legislation in a vacuum. We are not going alone. We have spoken with parents, consumers and the film distribution and video game industry to develop a balanced and effective system.

With this legislation to modernize Ontario's film classification system, the McGuinty government is once again delivering real, positive change that will make Ontario strong, healthy and prosperous, and will certainly allow parents to respond to the needs of their children in

an appropriate manner when it comes to video games and film. I am proud of our government's ability to provide a balanced and effective response to the many stakeholders affected by this much-needed legislation.

In summary, I am delighted to say that the legislation will achieve the following four objectives: It will align the film classification and approval system with the rulings by the Ontario Superior Court of Justice in the Glad Day Bookshop incident; it will respond to changes to the marketplace and emerging media technologies, such as video games; it will create a more modern and responsive legislative framework that is harmonized with best practices in the government's consumer protection legislation; and it will allow for a more common national film classification system that is based on harmonized standards and shared ways of delivering services.

I'm delighted to have had this opportunity to follow the minister in this presentation this evening. I hope this House will see to it that we move Bill 158 along to conclusion.

1920

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): It's my pleasure to be here this evening to tell you about the McGuinty government's legislation to modernize Ontario's outdated film classification system.

It is important to recognize that this system covers not just movies shown in theatres, but also DVDs, videos and computer games. It's a system that affects virtually everyone in this province. Most especially it affects those who are most vulnerable to media influence: our children and adolescents.

As a member of this august provincial assembly who spends a lot of time talking to his constituents in the great riding of Ancaster–Dundas–Flamborough–Aldershot, I can tell you that parents are legitimately concerned and worried about what their kids watch. They're worried about the kinds of values that get shaped as a result of viewing habits, and more and more parents are cluing in to the important need to monitor what's happening.

I say that because this government is seeking to reflect that desire to monitor carefully what our kids and adolescents are exposed to. It's a really important job, and one that we on this side of the House take very seriously. I know it's one that the minister takes seriously. The minister wasn't appointed to his august office because he was wandering around wondering what he was supposed to be doing. He knew very quickly that he had an obligation to work with our partners to bring forward this important initiative, and I'm not at all surprised that he's done that.

Speaker, I'm pleased to tell you that this new legislation takes a very balanced approach that responds to the need of parents and consumers for a safe and informed marketplace. I don't think anybody in this House would say, even on a bad day, that they wouldn't want a safe and informed marketplace for these kinds of products.

Interjection.

Mr. McMeekin: Indeed, as my good colleague says, that's why we're here.

I want to share, if I can, a bit of background on the Theatres Act and some of the reasons it's so important that we update it. Then I'll describe, with your indulgence, Mr. Speaker, some of the changes the McGuinty government proposes in this new legislation: changes that are really important, changes that reflect this government's commitment to improving the way it serves and protects consumers. It's the kind of thing we do every single day in the Ministry of Consumer and Business Services.

As you know, Bill 70 was just an introduction, in a very real sense, to this government's awareness of important consumer issues, and this is a natural follow-up to that. I'll talk about how this government is planning ahead to deal with new media challenges and the new emerging technologies that my colleague mentioned a few moments ago.

We're living in a new age. I'm part of that older generation that's on the computer highway looking for the off-ramp. But my children are very much into this. As a parent, I want to say for the record that I don't ever want to stand in my place on any piece of legislation in this House and deliberately or inadvertently do something that, with a little more thought, I should have realized would not be in the best interests of my kids and of everybody else's children and grandchildren as well. That's not why we're sent to this place, Mr. Speaker, is it? I know that from your own experience you concur in that.

I want to point out that this government has taken time to very closely examine the current Theatres Act. We recognize that the act has not kept pace with other changes in the marketplace. It's legislation that has not been updated for 40 years. Even the member from Niagara Centre, when he made his comments, said we need a whole new Theatres Act. He was right. Mr. Kormos is often right about these important legal issues.

Minister, it's good to know we have that support on the other side of the House, isn't it?

Hon. Mr. Watson: The next brochure will have that in there.

Mr. McMeekin: There you go.

In addition, numerous amendments over the years have resulted in what can only be described as a patchwork quilt of policies that, we need to underscore, contain a number of obsolete provisions, pathetically archaic language and standards that are often at odds with modern standards. As a result, the McGuinty government decided it was necessary to repeal the outdated Theatres Act and replace it with modern legislation that truly meets the needs of the 21st century.

I know my colleague from Hamilton East understands the importance of keeping pace with the changes around us. She has children too, and I know she's concerned about the kind of material they have access to.

This government has recognized that to deliver real, positive change, reforms were needed that would

modernize standards, respond to the emerging media technologies that Mr. Brownell outlined and actually provide opportunities to improve enforcement. We've had a number of stakeholders talk to us about the importance of this particular issue. Mr. Richard Norlock, a retired OPP officer—so profound in his observation—said, “It is in the best interest of our community to have at its disposal a classification system which enables citizens, especially parents, to be informed of key elements in movies, video and other electronic entertainment.” You and I both know, Mr. Speaker, that Mr. Norlock knows of what he speaks. His years of experience as an OPP officer have led him to make that kind of observation, which is very positive and entirely in keeping with the initiative of our government.

Equally important, our government believes that these reforms will help parents guide their children's viewing, both now and in the future. The new Film Classification Act we have developed reflects changes in the marketplace. It also reflects changes in technology and initiates new approaches to government service delivery. We're forever hearing that government needs to keep pace, and I'm pleased to say that virtually every day this government shows all too clearly to the people of Ontario its willingness to keep pace with important changes they're demanding of a progressive, forward-looking government.

The new legislation ensures that consumers will be better informed about film and video game classifications and better able to make responsible age-appropriate viewing choices. That's got to be good news for the people of Ontario.

Mr. Jeff Leal (Peterborough): It's great news, not good news.

Mr. McMeekin: Wonderful news.

The new act gives Ontario legal authority to regulate the film exhibition and distribution industries and to ensure their compliance with the modern marketplace. It puts in place a system for ensuring that children and adolescents are not able to rent or buy mature or adult-oriented films or video games. I know the esteemed member from the Ottawa area—

Hon. Mr. Watson: Lanark.

Mr. McMeekin: —from Lanark, concurs in that. Over the years, I have watched his career blossom in this place, and from time to time he gets up and speaks so eloquently of his concerns about our young people.

This act continues, I should point out, the authority of the Ontario Film Review Board to classify films according to age appropriateness and to provide content information about age-appropriate viewing.

Changing out-of-date legislation takes time, but we recognize that some issues just can't wait. That is why in April 2004, as part of Bill 70, the Minister of Consumer and Business Services, through the statute law amendment act, moved to introduce interim measures to address growing public concern about violent video games and their impact on children.

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These changes will be reflected in the new Film Classification Act to continue the government's very clear commitment to parents. These measures would let the Ontario Film Review Board adopt video game classifications provided by the industry-based Entertainment Software Rating Board. The measures would also prohibit retailers from selling or renting adult-oriented video games to children and youth. Who, I want to ask, in this chamber would be against something like that?

Many of you here today are aware that children's exposure to movie and video game violence has indeed become a significant public policy issue worldwide, especially with the development of even more advanced information technologies. Among new media technologies, high levels of public attention have focused on the influence of video games on children. After all, video games have come a long way, as the minister noted, since the days of Pac-Man and Pong.

Interjection.

Mr. McMeekin: What's wrong with Pong? It was exciting. I used to enjoy playing Pong, and when ping was there, we played ping-pong.

In any event, constant improvements in graphics technology mean that video game images are becoming increasingly realistic and often very, very frightening. I've seen some of these graphics. We've had a virtual tour of some of the material that we're trying to protect people from. They're also becoming more violent as they become more popular among adult audiences. These developments simply mean that children are at greater risk and governments are under pressure to ensure that children are better protected. Who would not want to ensure that we can better protect our kids?

We haven't done this in isolation. We've reviewed the literature on media violence, and do you know what? We've learned some valuable lessons from those findings, and the findings are consistent. One of my colleagues referenced some of them earlier, and I want to reference some additional material. The 2004 Media Violence as a Risk Factor for Children tells us clearly that exposure to media violence results in increased aggressive behaviour amongst kids.

Mr. Leal: Direct linkage.

Mr. McMeekin: Direct linkage, as my colleague says; it's true. There is ample outward and visible evidence of this process, this reality. In other words, viewing violence in movies, videos and video games does in fact lead to changes in children's values that favour the use of aggressive actions and aggression to solve conflicts. We're peaceful people in this place. We don't want to see that happen.

Teens who play violent video games do worse at school and are more likely to get into arguments with their teachers and be the initiators of physical aggression, physical fights.

Interjection: Bullying, probably.

Mr. McMeekin: Bullies too. Bullying is a serious problem in lot of our schools today. One is only left to speculate, based on the anecdotal research that has been done, that there is probably a very good link between violent videos and games and the tendency in some quarters to resort to bullying.

While media violence is not the only or most important cause of aggressive behaviour, it is certainly one of the critical factors leading to it. Given the evidence that exposure to media violence increases aggression, this government believes it's important to reduce our youth's exposure to that very violence. With the introduction of our new legislation, the McGuinty government is once again taking action.

This new legislation ensures that parents are provided with information on the content and age appropriateness of films and video games. Children will be unable to purchase mature or adult-oriented material. Who in this place, Mr. Speaker, would want it any other way?

In addition, this government is fully aware of how accessible adult or mature movies and video games are becoming to underage audiences. The minister made some reference in his opening remarks to the results of a survey that was conducted by the US Federal Trade Commission in 2004, and do you know what that study indicated? It was frightful. Sixty-nine per cent of teenage shoppers were able to buy video games rated for mature audiences—69%. Eighty-one per cent were able to buy R-rated DVDs. Disgusting. Thirty-six per cent were successful in buying tickets for admission to restricted films at movie theatres.

Mr. Peter Kormos (Niagara Centre): How does the bill stop it?

Mr. McMeekin: The bill clearly outlines how it stops it.

With so many new games coming on the market every day, it's more important than ever—and I know the member from Welland understands this—for parents to really understand the video game rating system and make sure that the games their children play are appropriate to their age. That's what the video rating system is all about, I say to members in this House. That's how we plan to stop it.

We agree with the US Federal Trade Commission's recommendations that media industries should do more to self-regulate. For example, media industries should provide clear and conspicuous information on ratings and the presence of violent content, and they should enforce compliance and classification policies. That's not a bad idea, to put an actual classification on the products.

I expect that, working with our partners, we in this great province of ours can enforce that. That's why we fully support the Retail Council of Canada's recent Commitment to Parents initiative, which ensures that consumers buy or rent video games suitable to their age. This program is finally giving consumers the very tools they need to really understand video game ratings and to make the right choices.

My colleague mentioned some of the retailers who are voluntarily involved in assisting this government with this important initiative.

Interjection: An impressive list.

Mr. McMeekin: It is an impressive list. I want to recount it again for a moment, because it is such an impressive list. We have some very significant partners. Minister, I want to congratulate you and your wonderful staff—Oliver Martin, in particular; Derek Nighbor and others; Nicholas Todd—who have done an exceptionally wonderful job.

Mr. John Milloy (Kitchener Centre): He's a first-rate minister.

Mr. McMeekin: Working with a first-rate minister, as my colleague points out; a top-drawer minister who has been able to work with—

Interjection.

Mr. McMeekin: Listen to this list, member: the Bay, Zellers, Best Buy, Blockbuster Canada, EB Games, Future Shop, Radio Shack, Rogers Video. It would make a very good one, I think—Toys "R" Us and Wal-Mart. All these responsible corporate citizens understand the importance of putting in place a system that—how to put it?—is in the best interests of the people of Ontario. We in this government certainly understand that, don't we, Minister?

Hon. Mr. Watson: We do, yes.

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Mr. McMeekin: We do indeed.

These retailers are displaying store signs that promote awareness of the Entertainment Software Rating Board's rating system. Every single one of them has agreed not to sell or rent mature or adult-rated games to underage customers. It's the role of government to move society forward. I think that's a good forward step, don't you? Don't members of the House think that to be the case?

I'm pleased that with this initiative, the McGuinty government is once again partnering with the private sector, a very caring private sector, to bring about much-needed change as we work to better serve the needs of parents and video game consumers. The McGuinty government, the retail council and everyone in this chamber certainly share a common goal: We want parents and consumers to have the information they need to select or recommend age-appropriate titles for children and youth.

Mr. Leal: To make the right decision.

Mr. McMeekin: That's right, to make the right decision. We want that information we provide to be as clear and objective as possible. Regulations to this new act will set out classification categories for film, detailing the age restrictions and conditions that will apply in each category. These categories are identical to the categories used by other provincial film boards across Canada. So we're not only working with our partners here; we're working with our partner governments across this great nation. Standardization will provide more consistent information to the many consumers who are confused by the current overlapping and inconsistency of classification information.

Ontario has been collaborating with other jurisdictions across Canada to better develop ways to implement this common national film classification system, a system based on uniform standards and partnerships to deliver service. We have, for example, been collaborating with other jurisdictions through the Interprovincial Film Classification Council of Canada. This council was set up in January 2003 to help develop a strategy for creating a common national classification system for film and video games. This initiative has been co-chaired by Ontario and British Columbia. In January 2004, the working group recommended ways to streamline services and harmonize standards to develop a more uniform classification system across Canada. In fact, the direction taken in our new legislation in relation to video and computer games is reflective of the direction provided by the interprovincial council.

This government believes that a new, modern legislative framework will allow Ontario to enter into future partnerships with other jurisdictions for the delivery of film classification systems. The government has committed to exploring service delivery partnerships with yet other jurisdictions to reduce cost to the government and improve services provided to consumers and businesses.

We must, at the same time, make sure that there are strong enforcement measures in place, just like Bill 70 made sure there were strong enforcement measures in place. There's no sense having laws unless you have strong enforcement, right? We're just wasting our time if we do that. The new legislation, by the way, does exactly that. It creates a framework of penalties for video game retailers who sell age-inappropriate material to children, by allowing the government to adopt and enforce the classification ratings of the industry-based Entertainment Software Rating Board.

New waves of media technology are expanding the media marketplace and challenging previous definitions of film and the capacity of governments to regulate these technologies. The McGuinty government recognizes the need to address gaps caused by emerging technologies. Video on demand, video games and wireless technologies are among these growing forms of new media. The new media is converging with traditional media technologies, such as 35mm film, home videos and television, to create a more sophisticated marketplace for visual entertainment.

We believe that the rapid pace of technological change challenges our existing regulatory framework and, indeed, compels government to develop innovative, new regulatory strategies. Greater collaboration with the federal government may indeed be required to develop a more comprehensive approach to regulating new media, such as addressing some of the content that is available over the Internet.

With modern distribution channels and more global forms of entertainment technology, the film marketplace is no longer just the interest of one level of government; it's the interest of all of us. So I want to stress that the

McGuinty government is not modernizing this legislation in a vacuum. We've spoken with parents, consumers and the film distribution and video game industries to develop a balanced and effective system, because legislation is always about being balanced and effective.

With this legislation to modernize Ontario's film classification system, the McGuinty government is once again delivering real, positive change that will make Ontario stronger, healthier and more prosperous. I'm indeed privileged and proud to stand in my place, a member of Mr. McGuinty's government, a government which is showing its ability to provide a balanced and effective response to the many stakeholders affected by this much-needed legislation.

Again, I want to celebrate and applaud the efforts of the good Minister of Consumer and Business Services, his wonderful staff, all of the partners who have worked so collaboratively together to make this possible, so that we can expand on the context and provision of this new and very important legislation.

With those few remarks, I take my seat and urge all members of this Legislative Assembly to get on board and support this important initiative to protect the people of Ontario.

Mr. Bob Delaney (Mississauga West): On a point of order, Mr Speaker: I'd just like to take a moment to introduce two residents of Mississauga West, Mike Parkhill and Dan Shaw from the Microsoft IT Academy, who are making their first visit to the House and to the members' gallery.

The Acting Speaker: That was not a point of order, but we welcome your guests to the chamber.

Questions and comments?

Mr. Garfield Dunlop (Simcoe North): I'm pleased to rise this evening to make a few comments on Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film. My initial reaction was that this was a type of housekeeping bill. I felt that that was where the government was going with it, and our caucus members felt the same way. But as I listen around the room tonight, there may be some other points that I'm not really understanding at this point.

I do want to congratulate the minister for bringing the bill forward. I think this minister has been fairly fortunate with his bills. He has had a couple of housekeeping bills, as well as the bring-your-own-wine act that was passed just before Christmas. I wasn't really in favour of that bill, but on the other hand, you have to look at the type of legislation that has been brought forward. I've been trying to get the minister I'm critic for, Mr. Kwinter, to bring some legislation forward; I've had no opportunity to debate anything yet. I'm hoping that we will get some of those opportunities before long.

Anyhow, I look forward to further debate. I know that in a couple of minutes Mr. Martiniuk and Ms. Munro will be doing our leadoff tonight. I don't know if they're going to spend the whole hour on it or not; I was under the impression that it might have been a little bit shorter than it is this evening. However, I look forward to debate.

I also look forward to listening to the member from Niagara Centre and his comments, because I know he's concerned about it as well.

With that, I appreciate this opportunity to stand and make these initial comments.

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Mr. Kormos: Indeed, Speaker, New Democrats look forward to the opportunity to participate in the debate.

Let's make something very clear: This McGuinty government didn't somehow, in an enlightened way, say, "We have to revise the Theatres Act here in the province of Ontario." They were dragged kicking and screaming into the 21st century by virtue of the ruling of Judge Juriansz, a ruling which generously gave them one year to respond to the ruling. Here we are running tight against the deadline, and the government, pulled and dragged kicking and screaming into the 21st century, has rapidly retreated back to the 19th century with what is nothing more, once again, than a censorship regime.

This bill does the very thing that the Superior Court in this province told this government they could not do. This bill does the very thing. This bill retains the censorship role, the censorship power of the government, which the Ontario Superior Court told the government they did not have. They were wrong, dead wrong.

Mind you, the government didn't go willingly. You recall the history of the matter. Did they understand, in the first instance, that the arguments made so capably on behalf of Glad Day Bookshops Inc. should prevail? No. They made Glad Day Bookshops Inc. appeal the matter to the Superior Court, and appeal the matter they did. The government, of course, didn't have to think twice about appealing Judge Juriansz, because Juriansz is right. But once again the government, with this bill, has proven itself wrong.

Mr. Leal: Indeed, I've been very impressed this evening with the leadoff remarks from the Minister of Consumer and Business Services, my colleague from Ancaster-Dundas-Flamborough-Aldershot and my good friend the member for Stormont-Dundas-Charlottenburgh.

When I've had the opportunity to look at this bill and what the intent is, I think of my own family. My son, Braden, is six years old and my daughter, Shanae, is five years old. I think of the kind of access that they have today—the DVDs they can get, the access on the computers—and I believe one of the jobs of Legislatures is to try to bring the future into the present. That's exactly what Bill 158 is all about: taking the future and bringing it into the present to provide some protection for the youngest and most vulnerable citizens in our community.

I would just like to note that the act will apply not only to movies shown in theatres but to videos, video games, digital video discs and film advertising: things we didn't know about 40 years ago. I thought a violent scene was the chariot race in Ben-Hur, but we know we've gone a long way from that particular thing.

Regulation-making authority will allow for the Lieutenant Governor in Council to prescribe classifications for categories of film as well as to designate other bodies for this purpose. A person or body may also be designated to review and classify film, reconsider the classification of a film, determine whether a film should be approved, determine whether a film is exempt and hear appeals to classification decisions.

I see Bill 158 as a very important piece of legislation. We heard very clearly tonight the clarion call that was put out by the minister and my two colleagues about why this piece of legislation is really essential for today's Ontario: again, to protect those most vulnerable people in our society, our children, who are our future.

The Acting Speaker: There is time for one last question or comment.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): Here we are again at night, the first day here, and we're debating a bill, Bill 158, something to do with the Theatres Act. Our health care is going to rot and you guys over there are worrying about this kind of stuff. I can't believe it. Then the member over there has the gall to clap the minister on the back and say, "Oh, I've got to tell you how great your staff are." Let's talk about his staff if you want to bring them into it. Let's talk about our birth certificates. Heck, we have people who are born who are going to die before they get their birth certificates. They'll be applying for their death certificates. Your staff, wherever they are on these birth certificates—

Mr. John O'Toole (Durham): They're on holidays.

Mr. Murdoch: —must be on holidays, as Mr. O'Toole says.

I noticed that the member is still calling it the McGuinty government. Boy, that's a dangerous thing to call it. I even noticed the other day that Minister Bontroggianni said, "the government." She's forgotten the name McGuinty, *which I understand you want to forget.

So here we are again: Health care is going down the tubes, and you guys over there are talking about this. When are you going to find out what you're doing to our province? You're letting the people down. You got in with all kinds of promises, and then this is all you can come up with. I can't believe it. It's 8 o'clock at night, and we're here talking about this. Why wouldn't you bring in something—and we have the, what do you call the guy over there?

Mr. O'Toole: The Minister of Energy.

Mr. Murdoch: No. You're right that he's the Minister of Energy, but he has another job too. He's the House leader.

It's your job to get things going around here. But if you're going to sit over there and talk about it, then maybe we should be saying to you, "Can you not bring something to this House that means something?"

I know that you have to do this because some judge told you to do it.

Next we'll be doing the pit bulls. The pit bulls are your biggest reason to get back here.

You got your wine that you're all worried about. You can drink your wine now. You got candy bars out of the schools. But you don't want to talk about the real issues here, the health issues.

You guys have got to be out there. People must be telling you, "Hey, get something done about our health care."

The Acting Speaker: One of the government members has two minutes to reply.

Hon. Mr. Watson: After that ramble by the honourable member, I just don't know where to begin.

I know that I've received many compliments from his constituents, who have thanked us for cleaning up the mess in the birth certificates backlog that he left us. If I have to continue to do the work for the honourable member, I'd be more than pleased to do so for the good people of Bruce-Grey-Owen Sound. If they want to come to me because they find their own member incapable of dealing with these weighty issues, I'm more than pleased to continue doing that work.

But we're here to talk about the film review board.

Interjections.

Hon. Mr. Watson: I know that I hit a raw nerve over there. When they cut the Office of the Registrar General by 13%, we didn't hear any squawking back then. So we're cleaning up that mess.

We also are quite pleased to bring forward Bill 158, because we believe that not only is it the right thing to do, but we obviously have a court decision; the honourable member may not have much faith in our court system.

I remember Randy White. Do you all remember Randy White, when during the last election—this guy even looks a little like Randy White—he said, "To heck with the courts," this contemptuous attitude toward our legal system?

We support and respect the legal system and the process. We are obviously obligated to bring in legislation, and we're quite pleased to bring in Bill 158. It's the right thing to do.

The member talks about issues not being important. Well, we had a very important debate earlier today to make Ontario smoke-free. That is a very important piece of our platform that we're bringing forward.

Interjection.

Hon. Mr. Watson: If the honourable member wishes us to move forward, and he doesn't want to spend time on this, I'm quite prepared to ask for unanimous consent to pass the piece of legislation right here. I challenge the member to put his money where his mouth is. I ask for unanimous consent to pass this piece of legislation forthwith.

The Acting Speaker: The Minister of Consumer and Business Services is seeking unanimous consent to pass this bill forthwith, I think he said. Is there consent of the House? I heard a no, surprisingly enough.

The member for Cambridge.

Mr. Gerry Martiniuk (Cambridge): I will be sharing my time with the member for York North and

possibly the member for Durham—he's the cleanup guy—and the former minister.

We're dealing with Bill 158, but I must make comment on my seatmate. I have the honour of being seated with Mr. Murdoch, who gives me many hours of pleasurable comment on this side of the House. Today, in the Sun Times of Owen Sound we have the headline, "Murdoch Meaford's White Knight?" It's good alliteration. In any event, it would seem that Meaford is having difficulty on their finance committee and put out invitations to interested public citizens to come forth and serve on the finance committee, and they had four volunteers.

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First of all, let me tell you, Mr. Murdoch is probably one of the hardest-working MPPs in this House. He works day and night, and we all acknowledge the time he puts in. But he took the initiative as a public-spirited individual to serve on the finance committee for Meaford. I think that speaks highly of his calibre.

Now Mr. Murdoch did admit, "I'm not the mathematician they might want or the accountant by any means, but I do have some experience how you handle certain situations, and maybe I should be lending it to my council." So, as a public-spirited citizen, the chairman of the finance committee stated, "We are going to recommend to council that we accept all four people who applied," which includes my good friend and colleague Mr. Murdoch, "and we'll put them on the finance and administration committee as soon as we can." On the other hand, the clerk administrator, Mr. Rick Holland, said, "The terms of reference for appointing public members to the committee have yet to be worked out." There seems to be something of a conflict there. However, I am sure they'll solve that problem, and Mr. Murdoch, on top of his many other duties, will have a new duty assisting his municipality. He is to be commended.

As I said, we are dealing with Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film. Now this bill comes about not as an initiative of the government but as an initiative of a judge, one Russell G. Juriansz, and I'm sorry if I'm mispronouncing his name. However, he was the Ontario Superior Court of Justice judge who heard an appeal in regard to the Queen and Glad Day Bookshops Inc. That was heard on October 31, 2003, and the judgment given some time later on April 30, 2004.

Now, the case just dealt with a film which an inspector for the government purchased. When they say "film," I assume it was a videotape or possibly a DVD; however, they referred to it as a film. I believe under the act it makes no difference as to the technology of the vehicle. The film was purchased by the inspector acting on behalf of the government, and it was determined that in fact it had not been approved or classified by the appropriate classification committee prior to its sale and, therefore, they were charged.

This case took some four years, I believe, and there was an intervener, being the Canadian Civil Liberties

Association—four years. As a matter of fact, I remember listening to, I believe, one of the owners of the bookstore, and I believe they are no longer in business.

Unfortunately, justice in our province and our country is extremely expensive. Lawyers do not come cheap and, in many cases, justice is ill-served by the very cost. In this case, if my memory serves me correctly, they did go out of business basically as a result of this litigation, which took a trial and then, subsequently, an appeal—a very expensive procedure.

In any event, the judge found that certain of the legislation that applied—in particular, the censorship legislation—was not valid or was invalid under the charter of our country and found certain sections to be inapplicable therefore, but he suspended his judgment for 12 months, and that 12-month suspension and time was given to the government. The government was directed to bring the applicable act or law into conformity with the judgment.

I'm sure many watching, being laymen and not trained in the law, would be somewhat surprised that a judge has the power to not only find a particular section invalid or unconstitutional but, in addition to that, also to order an elected body such as the Legislature to do certain things. That order was in fact made. Judges expend substantial amounts of money in this country even though they are, in effect, totally unaccountable to the public in that they are appointed for life.

So the reason we're dealing with this bill is not, as I mentioned, an initiative taken by the government but simply that a judge has ordered that this Legislature change the law in regard to classifications of material that could be considered obscene, and that's that. I can't imagine anyone voting against this bill, though we have yet to hear from the NDP. I can't knock Minister Watson at this stage for dealing with this bill, because he has no choice. A judge has ordered this to be dealt with, and unfortunately we're here.

I would much rather be dealing with birth certificates, which come under Minister Watson's jurisdiction. I have complained in the past, and I know that every member in this House deals with the matter of birth certificates daily. I sat down with my secretary and I said, "I'd like you to give me an example"—the worst-case example, let's be fair—"of what is happening with this ministry."

Interjections.

Mr. Martiniuk: We've got to talk about Bill 158 and the priorities of this government. Is the priority to bring the birth certificate system into the 21st century, or is it not? As I say, I had asked my staff to give me a very short memorandum dealing with the workings of this ministry, because in dealing with this bill, we have to look at this ministry and its efficiency. They gave me an example of a constituent who applied for a birth certificate in my office on 10 December 2004.

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The Acting Speaker: Will the member for Cambridge take his seat? The Minister of Consumer and Business Services has point of order.

Hon. Mr. Watson: Mr. Speaker, this is not on the topic of Bill 158. I remind the honourable member, the last time he asked a question about birth certificates, he brought the House down. So I'd ask that he go back to the relevance of 158.

The Acting Speaker: Thank you. I'm listening intently to the member for Cambridge and I hear him talking about Bill 158. I would once again recognize the member for Cambridge.

Mr. Martiniuk: Thank you, Mr. Speaker.

The minister would like to hide the truth. He just wants to cover things up. He has great difficulty in taking criticism. I've noticed that he gets uptight if you mention something that may be untoward within his ministry. It really is a shame that he takes that attitude, because things can be improved in my office; they can be improved in your office. You shouldn't be trying to cover things up all the time. Let a little sunshine in. Let's see what's really going on. Let's turn over the rock and see the light of day.

In any event, on 10 December 2004, we requested an expedited service, as he was travelling on 14 February.

Hon. Mr. Watson: On a point of order, Mr. Speaker: Clearly this has nothing to do with the film classification system. I'd ask that the Speaker ask the honourable member to adhere to the rules. All members on this side, when we spoke on the issue, spoke about the film classification system. I would encourage the member, if he has a question about another aspect of my ministry, to raise it in question period. Let's stick to the facts. We had another member on the opposite side talking about wasted House time. I would ask—

The Acting Speaker: Thank you very much. I return to the member for Cambridge and I would ask him to continue to debate the bill at hand.

Mr. Martiniuk: As I said, Mr. Speaker—and I've now been interrupted—

Mr. Kormos: And I haven't even spoken yet.

Mr. Martiniuk: You're going to have fun with—Minister Watson is very grouchy today and he really doesn't want to hear any criticism. You know, he spends his life—I've seen him on television so many times gadflying from bar to bar with his bottle. It's delightful. I think he has visited all four bars in Ontario that are taking advantage of the bill dealing with bring-your-own-wine, a bill that cost this province millions of dollars in time and costs to pass. Minister Watson is the one who spent those millions of dollars so that he could gadfly on television from bar to bar while we were waiting and waiting for our birth certificates.

Here we have a man trying to get a birth certificate on 10 December 2004 to travel on 14 February 2005. We followed it up. You know, you can't get through to Mr. Watson's department. They asked me the question, "What do we have to do to talk to someone in the office of the Registrar General when we have an urgent question?" And do you know what the answer is? You wait 48 hours. That's how urgent things are in Mr. Watson's ministry. That's the quick time. If you phone

them under ordinary times and you don't tell them it's an emergency, you may not hear from them for months and months.

Mr. Murdoch: You may never hear from them.

Mr. Martiniuk: You may never. As a matter of fact, I have a death certificate—poor woman; she lost her husband. How long does it take to get a death certificate in this province? They advertise 43 weeks. That's what they say. It takes 43 weeks to determine that somebody has died and to issue a certificate. But you can't get it in 43 weeks. That's just false advertising put out by the ministry. We are still waiting.

You can't travel with young children if you don't have a death certificate.

Mr. Murdoch: Birth certificate.

Mr. Martiniuk: No, a death certificate.

Mr. Murdoch: Oh, you've got to have a death certificate now too?

Mr. Martiniuk: Yes. If you're travelling with children, especially to a place like Mexico, you have to show that you're married and have the spouse's consent to the travel, and if you can't get the consent because that spouse happens to be dead, then of course you have to provide a death certificate. I went through this some little while ago.

The Acting Speaker: I would have to ask the member from Cambridge how this relates to Bill 158.

Mr. Martiniuk: I'm talking about—

Interjection: The incompetence of the ministry.

Mr. Murdoch: It ties into 158, the incompetence of the ministry. The minister's a great guy.

Mr. Martiniuk: Well, we're not talking about incompetence. Mr. Watson is an honourable person and tries hard, but he has physical constraints imposed by other people and unfortunately can't perform as I'm sure he would like to perform. Instead of that, it takes over a year to get a death certificate.

What does this have to do with Bill 158? As I say, when we're dealing with this bill, we have to examine it with the background of the minister who is proposing this bill and the ministry and the staff and their competence in the drafting and presentation of this bill. Unfortunately, I have somewhat of a problem with that. When it takes over one year to get a death certificate—

Interjections.

Mr. Martiniuk: They're laughing over there, and they think it's a joke. Let me tell you guys, it's not a joke. This is the worst-case scenario. I'm being fair with you. This lady could not travel. She could not visit with her relatives. She was in bereavement, she had young children and we couldn't help her because this ministry says it takes 43 weeks before this lady, this widow, can travel. That's happening right across this province, and it's not funny, Minister. It is not funny at all, and something has to be done. I really mean that. It's not right

Here we are dealing with Bill 158. The presentation is delightful. It's not, "A judge ordered us to do this and let's do it," it's, "We came up with this wonderful bill."

Sorry, it's not a wonderful bill. It's a bill we have to do, unfortunately, and at great expense by the way. It's not cheap.

Mr. McMeekin: Do you support it?

Mr. Martiniuk: Yes, we support it.

So there we are, on April 30. The Ontario Superior Court judge, on appeal, ruled that Ontario cannot censor gay videos. Now, most censorship has long disappeared. A little section of the Theatres Act required that all films be rated before they could be viewed in theatres or purchased as videos for the home. While Canadian films are rated without charge, the Ontario Film Review Board imposes a fee of \$4.20 per minute. Because of the classification law and the large amount it costs to have a film rated, some distributors of LGBT films do not sell their products in Ontario.

In 2000, as we related, the police charged the Glad Day Bookshop for selling a video of a gay adult film, *Descent*, that had not gone through the classification process. Glad Day, Canada's first gay bookstore and the second-oldest in the world, faced a fine of up to \$100,000, and its owner could receive an additional \$25,000 fine. So you can see it was a serious matter for these relatively small businessmen. A fine totalling \$125,000 is to many people an enormous sum of money.

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The Superior Court judge ruled that the review board's extremely broad powers violate the rights and freedoms section of the Canadian Constitution. The mandatory submission of films and videos to the board for its approval prior to their distribution and exhibition infringes on the fundamental freedom of expression guaranteed by the charter. The judge also criticized the board's ability to order cuts or edits in films to be distributed in Ontario, which could leave the impression that the final product was what the producers intended or even alter the intent of the film. The judge stayed his ruling for one year to allow the government to amend the law. If it does not, the ruling will go into effect. This legislation is the government's effort to conform with the Superior Court ruling.

What this bill does is repeal the Theatres Act and enacts a new act entitled the Film Classification Act, 2005. The act governs the classification and approval of films and the exhibition and distribution of films. The act provides for offices of director, deputy director, registrar and deputy registrar. The act authorizes the Lieutenant Governor in Council to, by regulation, prescribe categories of film, prescribe classification schemes to be used in classifying film and designate categories of film that may not be distributed unless they have been approved. The Lieutenant Governor in Council is authorized to designate persons or bodies to carry out various enumerated functions, including reviewing film for the purpose of classifying it, reconsidering a classification decision, determining whether a film should be approved, reconsidering an approval decision and determining whether a film is exempt under the regulations from a provision of the act.

The act places various prohibitions on the distribution and exhibition of film, including prohibitions relating to unclassified film, unapproved film that belongs to a category of film for which approval is required and film that does not indicate its classification or approval.

Mr. Murdoch: This is exciting, you know. If the minister hadn't given us such a hard time, we could be talking about something important.

Mr. Martiniuk: Probably.

The act requires persons distributing or exhibiting film to be licensed, and it establishes a licensing application process that affords an applicant the right to request a hearing before the Licence Appeal Tribunal when that person's application may be refused. The right to request a hearing is also available when the license may be suspended, revoked or have conditions attached to it.

The designation of inspectors is provided for. Inspectors have general powers to inspect the business premises of a licensee without a warrant and may order a person to turn over film that the inspector has reasonable grounds to believe is being distributed or exhibited in contravention of the act. If a person does not comply with the order, the inspector may apply for a warrant and seize film that is not turned over. A person who has turned film over or had film seized may apply to the director for the release of the film. The director may release the film if he or she determines that there was no contravention, or may direct that the seized film be forfeited to the crown if there is a contravention and in other specified circumstances.

The appointment of investigators is provided for. Investigators may apply for warrants to search premises when they reasonably believe a contravention of the act or regulations has occurred. Investigators may seize a thing named in the warrant, and anything else in plain view, if the investigator believes it will afford evidence of a contravention.

Where the investigator seizes film that he or she believes was distributed or exhibited in contravention of the act and no proceeding is commenced in respect of the film, a person may apply to the director for the release of the film. The director may release the film or direct that the seized film be forfeited to the crown.

The act deals with various general matters and contains provisions that establish offences and penalties. The minister is authorized to establish various fees under the act, including fees that are payable by a person who submits film for classification or approval. The Lieutenant Governor in Council may make regulations dealing with a range of matters under the act.

That is the end of my presentation. We're going to have to determine which order follows.

The Acting Speaker: I would say to the member for Cambridge that you have to indicate if you're sharing your time.

Mr. Martiniuk: I did at the beginning.

The Acting Speaker: I'm sorry. I missed it.

Interjection.

The Acting Speaker: I apologize, and I appreciate your clarifying that. I recognize the member for Lanark-Carleton.

Mr. Norman W. Sterling (Lanark-Carleton): Thank you very much for the scintillating introduction. The Ontario Film Review Board has provided a very valuable function over the last 30, 40 years. I must say that I approach this matter from a very different angle than my friend Mr. Kormos does, because I believe that the Ontario Film Review Board has, over the last 40 years, provided huge protection for a very vulnerable group in our society, particularly our children, in preventing many of them from seeing violence—vile violence, human sadistic violence—which has been illustrated in films and brought to Ontario from afar in an attempt to show the general public this kind of violence, which I believe is unhealthy. It's wrong for our society to expose our children and the general populace to this kind of smut, muck and rot.

It has been a very, very difficult task for the Ontario Film Review Board to go through this particular process. I can only imagine that as the Ontario Film Review Board looks through films, they try, with the best of intentions, to allow artistic expression to be provided to the public and freedom of expression to dominate their decisions, but I think they have in the past saved a great amount of potential harm to our population in general.

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While my friend Mr. Kormos might argue that he would like to see no censorship, I would argue that the present level of censorship, in my view, has never been so onerous as to exclude true artistic expression in our society. The people who have attempted to skirt, avoid, get around these particular regulations usually are people who are not what I would term as the true artistic community, and as such, I do not have a lot of empathy or sympathy with their particular motives.

The problem with this particular piece of legislation is that it seems to be neither fish nor fowl. I'm not certain, when I read the legislation, whether the government is maintaining, through the Ontario Film Review Board, the right of censorship or is not retaining that right of censorship. The legislation is unclear as to the intent of the legislation. I think it's unfair to this Legislature to have a piece of legislation which is ambiguous in its application. They talk about the requirement of a distributor to come forward and apply for a classification. Then there is, mixed in with the language, what appears to be a right of censorship by the board in the final analysis, but it's unclear what the particular guidelines would be with regard to what would be allowed in and what would be allowed outside of that. It leaves very much of the legislation to the regulatory power.

Because the legislation is so ambiguous in its intent in the way it is written, I'm not certain whether it meets the test that was set down by the court in what they were demanding of this government. So even if this Legislature does pass this legislation, we might end up, I believe on April 30—and the final decision with regard

to this matter did occur during this government's mandate—back in the courts once again trying to interpret what in fact this legislation means and whether or not it meets the test that the court set forward.

Quite frankly, I do have some concern when the court gets into matters which I believe would be better handled in this Legislature in terms of deciding where the guidelines should be and how we, as legislators, feel that any right of freedom of expression should be limited, as essentially we have in the past. I believe this legislation might mean that.

My concern with this legislation is that because it is unclear and ambiguous in the way it has been drafted, the right of censorship will be lost in total. If we had a recurrence of smut films coming forward where people in other countries were allowing themselves to be killed on film for money purposes and those kinds of films were attempted to be shown in Ontario, I would like to give the right to a film review board to say, "This cannot be distributed or shown in Ontario." I know I would get arguments from civil libertarians who might say it is up to the population to make that decision, but I would say that in these very extreme cases, censorship should apply and we should give to a group of citizens who are appointed from across the society of Ontario the right to say, "No, that's the way it is."

I might add that over the long period of time I have sat as a legislator here, I have never had anyone come to me and say that they felt a particular movie that had been censored should be shown to the public. I don't think the trust with regard to the Ontario Film Review Board has been in any way misused in terms of their classification system and the way they have run their system in the past.

You know, on two occasions, I served as the minister in this particular portfolio, and it continues to be a sore point or a problem with various parts of society. The minister is always faced with whether he should modify or change this act. I've heard in this Legislature today in the debate that this is a 40-year-old piece of legislation and that we should modernize it, we should bring it up to date, etc. Well, quite frankly, the old system worked pretty well, until we ran into this particular court decision.

My only concern with this particular piece of legislation is that I do not think it's clear enough. On the one hand, I don't think it's clear enough whether the government wants to retain the right of censorship. If they want to get rid of the right of censorship, I don't think that's clear enough. Therefore, I think it's incumbent on the government to make certain that the bill is drafted and that the intent is clear in the bill as to what they're striving for.

I, for one, would favour the retention of some kind of censorship power to the Ontario Film Review Board, as long as that film review board represents all segments of society, including the artistic community, as they have tried to do that in the past. I know this is not a popular position to take with the media, with the press, etc.,

because, of course, they are very, very ardent supporters of total freedom of expression in every way and in every regard. I understand their point of view, but I do believe that we have saved harmless many, many individuals in this province from seeing what I would call very degrading, physically abusive, disgusting pieces of film, and that the past has served us well in this regard. We should not disregard all of that history and all of that safety in the name of being progressive and moving forward.

The Acting Speaker: I'm pleased to recognize the member for York North.

Mrs. Julia Munro (York North): I'm pleased to be able to take a few minutes and join the debate on Bill 158. I think that I'd like to begin by following in the vein that was established by the member from Lanark-Carleton. Clearly, the issue around censorship has been a debate that has raged for, frankly, many, many decades: the notion, then, that society does have a role to play in protecting more vulnerable members of society from the kinds of depiction that are particularly abhorrent to it.

You know, if you look at cases, as we will in a moment, in this province, but also cases throughout the western world, there has always been a debate about the power of the whole, the state, in relation to its responsibility with regard to censorship. Really, I think some of the criticisms of the bill that we're looking at this evening point to the abdication of this issue in somewhat fuzzy legal language. Certainly, there are individuals who have spoken and continue to speak out, who recognize this kind of fuzzy language and the opportunity it provides to the whole issue around the philosophical debate about the role of society and what its true role is in this particular area.

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I think it's important to note that the government has always taken the notion that it was really important to have a film review board, something that has been with us for a very long time and whose mandate has been clarified, more or less—and obviously by this court case questioned—on the issue of classification. For those people who found the notion of censorship as too restrictive or open to debate, the question of film classification seemed to be a middle road that gave people a sense of who the intended audience was. Certainly when we look to jurisdictions such as the US, they also have a film classification process, and it's an extremely important part of the mainstream filmmaker to make sure that their film is fitting into the classification they want. Obviously there's a great deal of money at stake. If it is too selective in its audience, it may have some definite box office drawbacks.

The board has been in existence for many decades. People were chosen as order-in-council appointments—people who represented a cross-section of the community of Ontario, people who had an interest in film and in the arts, people who had varied backgrounds—in order to provide a slice of Ontario life and a broad spectrum of opinion. Their job was to view all films that came into

Ontario, to be able to classify them according to parental guidance and things like that.

The question of private videos for private use has always been a very difficult issue for people to look at in terms of where government's role really belonged. It's really in that context that we're looking at the case that came before the Ontario Superior Court. In that decision, it's important to recognize that it put the government in the position where they had to revisit the Theatres Act and look at how they might respond to this Superior Court decision. So the purpose of the bill is to amend the film-rating process as it is outlined in the current Theatres Act in order to conform with this Superior Court ruling.

I think it's important to note that this ruling was issued in April of last year, and it simply states that the existing requirements for all films to be classified prior to distribution infringes on the charter rights of freedom of expression. But when you look at the bill, as the member from Lanark-Carleton has said, there seem to be some issues there of interpretation. We certainly have members of the community who have looked at this bill and are prepared to say that it is not going to fulfill the Superior Court ruling, that it is in fact going to perpetuate the issue of censorship. At the same time, there's an opportunity to interpret this bill as the review board only having a role in censoring adult sex films that depict explicit sexual activity, degrading or violent material or children in sexual acts, and these materials then are also prohibited under the Criminal Code. So while it might at first seem that this bill is in response to that Superior Court case, it seems that at the same time it may have failed to do what it is intended to do. It may create more confusion in the area of classification.

I think what this government needs to also recognize is that in the scheme of things, this is really a diversion. Today, we are faced, as a society, with issues of far greater extent and influence through Internet pornography. I think it would be in the best interests of all of us to be looking at what steps a government can take. It seems to me, as you look at the proliferation of those porn sites and the work that is being done by our police forces across the province, that perhaps we should be talking about providing them with greater resources to be able to continue the fight on that issue. So while we look at this particular historic development of classification and the issue before the court and the response to it, we should also be looking at how we might position ourselves as supporters of greater resources to give our police forces the ability to look at this enormous proliferation that takes place through the Internet.

If we look at this bill, it isn't a question of a highly charged bill, but I do think there are some indicators here that the government needs to look at perhaps a little more carefully than they have in providing us with Bill 158. I think we need greater clarity around this bill.

With that, Mr. Speaker, I will pass my time over—

Interjection.

Mrs. Munro: He's not here. Sorry.

The Acting Speaker: Questions and comments?

Mr. Kormos: Once again, the government has made assumptions about, in this case, this particular bill, that somehow the Legislature is going to treat it as something innocuous and give it automatic approval, just let it get a free ride out of here. You've heard already in some very important contributions to this discussion that there is far more here than the government would want us to believe meets the eye.

I'm going to be speaking to this bill in but a few short minutes. There is no issue anymore. The province does not have the power to censor—end of story. The law in Ontario now is clear.

Mr. Jim Flaherty (Whitby-Ajax): Why? Because one judge says so?

Mr. Kormos: The government acquiesced, Mr. Flaherty. The government had a choice to appeal it and you know what it means when a party like the government, which has unlimited resources to conduct its appeal, doesn't appeal the ruling. The government acquiesced. The government adopted the ruling of the Superior Court judge, who ruled very clearly that the province of Ontario does not have the power, the jurisdiction, the right, to censor—end of story. Whether you like it or not, that's the law in the province of Ontario.

Furthermore, the court made it very clear that this government had but one year—one year is more than sufficient time—to clean up the entanglement of classification and censorship provisions in the existing law. I say to you that the government has failed to do that.

Some will take pleasure in the fact that the government is persisting in exercising the role of censor. I understand that. But I'm saying that all the government is doing is inviting more litigation, and litigation which inevitably they will lose, just as they lost this round in the Glad Day Bookshop trial.

I'm looking forward to joining this debate in but a few short moments.

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Mr. Lou Rinaldi (Northumberland): It's a pleasure to speak on behalf of Bill 158. It's sad to say that we as a government sometimes tend to neglect doing the right things at the right time. When we look at the legislation that hasn't been dealt with in some 40 years, I guess all of us should take responsibility that we really are not doing what we are supposed to do in this House, making sure that we pass legislation and don't forget about it but update it as we move forward to protect the interests of our citizens.

For someone like me who is new in this House, just over a year and a half, to see things that haven't been touched for 40 years—yes, it has been tinkered with—and when we look at the technology of today, especially in the IT sector when it comes to video games, CDs and all those things that I'm probably not a quarter up to speed on what all the stuff is, this is really important. We need to move forward to make sure that the people of this province are protected from things like pornography and

that we protect all those values that we as Ontarians really appreciate.

I need to give the minister credit for looking into things that have been stagnant and bringing them forward. Until we really practise something, it's very easy to forget. If we wait until something happens through not having legislation, and abuse happens, then we'll say, "We should have done something." So it's almost a no-brainer that we move forward with this legislation and get it passed just as soon as we can.

Mr. Flaherty: There is a discomforting trend in political life, in parliamentary life in Canada today, and we see it in Ontario tonight, and you heard the minister say it tonight: "The courts say so; therefore, we must do this." My goodness, one judge on a bench that has about 250 judges in the province of Ontario, one trial judge, makes a decision and the minister says, "We have to obey the law. We have to obey the courts."

Goodness gracious, this is the provincial Parliament. This is the government of the province of Ontario represented by the minister opposite. Surely it is incumbent on the government to assess its own situation, to come forward with legislation and say, "This is what we believe in. These are the standards that we wish to have in terms of pornography and violence being depicted in the province of Ontario," and not hide behind a decision of a single judge of a group of Superior Court judges who I think now number about 250 in the trial division. This isn't a decision of the Ontario Court of Appeal or the Supreme Court of Canada. And even if it were, the duty in a parliamentary democracy is for Parliament to make these decisions, not for the courts to make these decisions.

The Chief Justice of this country has said in her decisions that it's a dialogue between the courts and the Legislature. It's not a dictatorial relationship between the courts and the Legislature, including determinations under the Charter of Rights and Freedoms. And yes, the notwithstanding clause is in the charter, and yes, it's there are for a reason. And yes, the judiciary in this country expects Parliament and expects this Legislature from time to time to use that clause in appropriate circumstances in a restrained way. It's part of the dialogue. It's part of judges interpreting the law and Parliament responding.

The Acting Speaker: There is time for one last question or comment.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to rise and enter into this debate a small amount this evening. I look forward to the much more detailed comments that will be coming a little later on—very quickly, actually—from my colleague Peter Kormos from Niagara Centre.

But I have to say, one of the things that I noticed in the government's bringing forward of their debate on this legislation tonight was the fact that they tended to really concentrate on this issue of children and how this bill is going to protect children and make sure children aren't seeing or viewing or playing video games that are going

to be harmful in their development, I think one of the members said.

I think that if this government was very, very serious about children in the way they claim when they're talking about Bill 158, we would have seen a child care plan, a child care plan not only put together but implemented in this province by now. We would have seen real commitment to the things that children need in our province to be able to thrive and do well. Whether that's child care or, quite frankly, whether that's a change in the way that education is funded and dealt with in this province, or whether that's dealing with growing numbers of children who are living in poverty in this province, I think there are lots of opportunities that this government has to deal with concerns about children. I don't see it happening. I certainly don't see it happening in all those other areas, and I really wish the government would get down to really dealing with some of the issues that will matter to children in a major way in this province.

Unfortunately, we haven't seen that, and I don't believe we're going to see it any time soon, because the way this government is operating, it's a lot of talk, a lot of rhetoric, a lot of big-picture planning but nothing being implemented on the ground. Unfortunately, it's the children of the province who are going to suffer from a lack of attention by their government to the very burning issues that are affecting them day in and day out, community over community over community, across this province.

The Acting Speaker: That concludes the time available for questions and comments. One of the Conservative members has two minutes to reply.

Mr. Martiniuk: I'd like to thank the member for York North, my colleague and friend, and the member for Lanark-Carleton for their presentations, and I'd like to thank the members from Niagara Centre, Northumberland, Whitby-Ajax and Hamilton East for their comments.

The Acting Speaker: Further debate on Bill 158? I'm pleased to recognize the member for Niagara Centre.

Mr. Kormos: The debate is finally starting to get some form to it. People are taking positions. It was a pleasure to see Mr. Flaherty come forward on behalf of the Conservatives and stake out some unique turf, like the pit bull that he is, marking his territory in this debate. But there is more here about which this Legislature should concern itself than the somewhat glib introduction by the government would have us believe.

Let's understand what happened. You can't look at the legislation without looking at the Superior Court ruling that gave rise to it. This government didn't of its own accord say, "Oh well, it's been 40 years since the Theatres Act has been looked at. Let's look at it." No, it didn't do that. The government was drawn into litigation around charges that it laid under the historic Theatres Act. The conviction was obtained at the first instance in a provincial court. The defendant, the accused Glad Day, appealed. The first level of appeal is to a Superior Court

judge, a federally appointed judge, and the appeal was upheld. The government had a choice at that point.

The appeal was upheld in a ruling that is lengthy and a thorough canvass. There may well be people, I suspect during the course of this debate—if Mr. Flaherty, for instance, gets a speaking slot, he may well disagree. He may or may not—I don't know—but there may well be other people who disagree with the ruling. But the government, undoubtedly relying upon the high-priced help in the Attorney General's office—scores upon scores upon scores of lawyers with a great deal of experience in the courts and experience with the law—undoubtedly had its lawyers poring over the ruling of Judge Juriansz and reaching the conclusion that Judge Juriansz was unappealable in the ruling. The ruling says that the exercise of censorship powers by the government in the manner in which they were exercised in the Theatres Act was in contravention of section 2(b) of the charter. It was unconstitutional. The court was very clear.

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The court said there are two things going on here. There's classification, and the court said, "Look, classification is clearly not only within the jurisdiction and power of the province, but it's also quite legal." It doesn't contravene or offend, never mind charter rights, any other provision. So the court said there are two things going on here: There's classification and then there's censorship. The court said that censorship is a contravention of the charter, that it can't be done by the province. Classification is perfectly acceptable, and the province can choose to classify or not classify as it wishes. The judge further pointed out that he was striking down those sections of the Theatres Act which offended the charter but giving the province one year to effectively disentangle the classification sections from the censorship sections.

That was April 30, 2004. It's getting pretty darn close to a year ago now. The government waited a good, what, six or seven months before it put the bill to the Legislature on first reading, knowing full well that it only had a year. And now the government is feeling hard pressed for time because the deadline is rapidly nearing.

The problem is that the bill before us now has contained within it very clear censorship powers for the government. This bill continues to contravene 2(b) and contravene and violate the letter and spirit of the ruling of the Judge Juriansz. In fact, Alan Borovoy, of the Canadian Civil Liberties Association, which was an intervener in this litigation, who is one of the great legal minds of our time and a great Canadian, wrote to this government in December cautioning them, admonishing them, that they had missed the mark, missed the mark by a long shot. In part, that letter to the Attorney General from Alan Borovoy, on behalf of the Canadian Civil Liberties Association, in making reference to the 12-month time frame that the government was given by the court to clean up the problems with the Theatres Act—the problems that offended 2(b) of the charter—wrote, among other things, that "The grace period was not

intended to authorize fresh exercises of prior restraint censorship." "Prior restraint" is the language that's used throughout the ruling and throughout the arguments. "Prior restraint" is the censorship provisions.

Now, before we go any further, let's get right down to the offensive section in the bill that flaws this bill so thoroughly, such that if this bill were to pass, it only invites yet another round of litigation, à la Glad Day, to be struck down again. We talked about two powers here. One was classification and the other was censorship or prior restraint. Language is used in the existing regime, the one that was struck down by the court, about classification versus approval. The classification process is exactly what it appears to be. It's classifying a film, putting a label on it, tantamount to the nutritional label on your can of soup telling you how much fat, how many calories, how much vitamin B or C or how much cholesterol. The classification is a consumer guide. The approval is the censorship. The film is either approved or it's not. That's what censorship was. It was under the legislative regime that was struck down by the court and, regrettably, in terms of what the government was told to do by the court, it exists in the existing legislation.

Take a look very carefully at the new bill. In particular, take a look at—I want to indicate that, once again, here is a bill that is very much a shell, because the body, the guts, the viscera, are by regulation. All of us know how incredibly dangerous that is, because we're debating and are exposed to only a piece of the puzzle. The rest of that puzzle, contained in regulation, is going to be decided and determined not after debate here in the Legislature but in the secrecy of a one-man show, the Premier-dominated Premier's office/cabinet room. That's one of the problems when you relegate—look, we all understand regulatory power in a bill to provide, basically, at the end of the day, ways of putting together loose ends or ways of being flexible in responding to changing conditions out there. But the very guts of this bill is in the regulations. We have no idea what the substance will be in terms of classification. We have no idea what the criteria will be for classification, what the standards will be. For all we know, the classification could be, "This film has very good lighting; this film has very bad lighting. This film has very good focus; this film has very bad focus." For all we know, that's what the classification could be, because it's not in the bill.

I do want you to take a look first at section 6. Section 6 is with respect to classification. That's what the court said the province clearly had the power and the prerogative to do without being in violation of any charter provisions etc. Section 6 says, "The Lieutenant Governor in Council may, by regulation, prescribe a classification scheme" etc., etc., etc. The subheading of that is "Classification using prescribed scheme."

But go to section 7. This is the problem. You've got a very serious problem with this bill, because you're doing exactly what the court told you you couldn't do:

"The Lieutenant Governor in Council may, by regulation,

“(a) designate one or more categories of film for the purposes of this section;

“(b) designate a person or body to review and approve or refuse to approve films in a category designated under clause (a).”

The approval of a film is precisely how prior restraint, censorship in the existing regime is achieved.

So you have in Bill 158 powers to enact regulations that permit classification, and we don't know what the heck those will be. Those are all fuzzy and vague and could be anything weird or wonderful. But you also have, under section 7, power to create regulations for the approval or non-approval of films, and the approval or non-approval of films is exactly what's happened to date in terms of the board exercising its statutory censorship powers. It either approves or doesn't approve a film. That's censorship. That's how it's achieved the censorship goal to date, and that's how, under this new legislation, it will purport to achieve it then.

It's equally interesting that this very same minister but weeks ago paraded legislation in this chamber, surely the highlight of the government's legislative year: bring-your-own-wine. With reference to bring-your-own-wine, this minister had much to say about the maturity of Ontarians, their ability as sophisticated people to make decisions for themselves, their sophistication, their discrimination. The minister had nothing but the highest of regard for Ontarians. He said, “They're capable people. They don't need a nanny state telling them whose wine they can drink in a restaurant. This is the 21st century. Surely, we have enough regard for Ontarians to let them bring their own bottle of wine.”

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So on the one hand, the minister is saying that surely Ontarians have got the maturity to determine for themselves whose wine they're going to drink in a restaurant, but he's saying, “Oh, no,” in the Dalton McGuinty nanny state, this paternalistic, this ban your sushi, ban your pit bull, ban your nurses regime—

Interjection: No smoking.

Mr. Kormos: —and no smoking on patios—will tell you also what you can and can't see. I hear the critics revving up their engines right now.

Let's make another observation, because Judge Juriansz interestingly pointed out—he made this as an aside. What do lawyers call this? Obiter, I think they call it, don't they, Mr. Flaherty? Mr. Flaherty can tell us. I think he would tell us that this is obiter. But he made this reference, nonetheless. Judge Juriansz pointed out that other expressive media in Ontario do not have to be approved by a government authority before they're circulated to the public. The Ontario government hasn't created boards that have to approve books, plays, art exhibitions, concerts or other forms of performance before the public may have access to them. Subsequent prosecution under the Criminal Code—not prior restraint, but subsequent prosecution. Prior restraint is not classification, to make it very clear; prior restraint is censorship. Subsequent prosecution under the Criminal

Code deals with objectionable and harmful content in other media.

Judge Juriansz also took judicial notice—and other commentators have made reference to this new 2005, 21st century, high-tech world—and that was notice of the ability of Ontario residents to download video from the Internet, to view and record films and videos broadcast on cable, pay and digital television channels. Such videos and films are not subject to the Ontario Film Review Board's review. In fact, reference was made to this at the very introduction of this bill when it was observed that, amongst other things, not only can people download anything under the sun, with no scrutiny and no capacity to scrutinize on the part of the government, via their Internet access and their PC or their Apple, similarly, video, film and video games contained on DVD discs are so inexpensive to manufacture, so light and compact in size—that's why they are called compact discs, I suppose—so cheap to mail, to distribute, that there is no control whatsoever over the access that any Ontarian has to literally anything under the sun. It's just a reality.

But rather than going to the most extreme and absurd example, let's take the obvious observation by Judge Juriansz that, interestingly, in Ontario, books, theatrical productions, art exhibitions, concerts or other forms of performance are not subject to approval or review by a government authority before the public may have access to them.

Let me make something very clear: There is nothing in this legislation which would prevent a five-year-old from buying the most adult of adult videos. I made a phone call during the supper break. I had to talk to some of my consultants, because we were going to be embarking on this debate. So I talked to a nephew and a niece, Spencer and Nicole Brown, and then I talked to another pair of nephews, Nicholas and Joshua Losier-Brown. I said, “Look, you've got to help me,” because I want to know what kinds of movies Nicholas and Joshua—they're in preschool. Bob the Builder—I have seen Bob the Builder movies. SpongeBob SquarePants—and no, it's not a matter of, “Is that a sponge in your pocket or are you just happy to see me?” This is SpongeBob SquarePants. I have never seen a SpongeBob SquarePants movie, but I've seen the promotions.

In the year 2005, are we telling the manufacturers—well, this bill does—and distributors of Bob the Builder and SpongeBob SquarePants videos that they've got to submit their film? They do. This law says that they've still got to submit Bob the Builder and pay \$4.20 a minute so an Ontario Film Review Board can view—how long is a Bob the Builder film, Mr. Duncan?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): It's 15 minutes.

Mr. Kormos: OK—to view it so that they can give it its seal of approval? There's something a little silly about that, isn't there?

I took a look at Manitoba. Manitoba, interestingly, has a number of exemptions around film that obviously—Bob the Builder or SpongeBob SquarePants or Dora the

Explorer, I don't know. But I'm assured by my consultants, Spencer Brown and his sister, Nicole Brown, and then the youngsters Nicholas Losier-Brown and Joshua Losier-Brown, that Dora the Explorer is not Debbie Does Dallas by a long shot, OK? We understand that Dora the Explorer is a kids' film and that the distributor of Dora the Explorer, according to this government, should have to buy a licence—that's what the legislation says—and should then have to submit Dora the Explorer to the film review board so they can pay \$4.20 a minute to run Dora the Explorer, I guess after they watch Bob the Builder. We need an Ontario Film Review Board to tell people—if you've ever seen Bob the Builder, you know it's a kids' movie. This is not Johnny Holmes; this is Bob the Builder. I just find it a little silly that this government, which talks about bringing government and legislation into the 21st century, talks about submitting obvious children's films, cartoons and movies to even a review process, when it's just plain outright obvious, plain outright patent that the film is children's content and designed for kids.

Having said that, Nicholas and Joshua Losier-Brown are a little too young to be on the Internet. They will be in short order, because they're bright kids. Their cousin Spencer Brown, who's a little older but still very much a minor, would have no difficulty whatsoever, I tell you, downloading, never mind the Bob the Builder, but yes, very much, Debbie Does Dallas.

2120

That's the observation made by Judge Juriansz. That's the observation that has to be made about this bill. This bill does nothing, absolutely nothing to inhibit, control—never mind prohibit—little kids' access to adult material. It is not an offence in this legislation or anywhere else for a retailer to sell—I don't know; what are some of the titles of adult stuff, Mr. Duncan? Thank you—stuff like Mr. Duncan just referred to, to Spencer on the Internet.

Mrs. Liz Sandals (Guelph-Wellington): He didn't say anything.

Mr. Kormos: Spencer can download without any state supervision—in fact, the state is incapable of supervising—some of the most outrageous adult content that you've ever seen. Spencer Brown can mail order to himself from jurisdictions outside of Ontario adult content that would rot your socks, that would cause you to blush, Speaker, without any government capacity to supervise it.

We're being very clear. Yes, I think it's important that consumers be able to access information about the product that they're buying. I think it's incredibly important. To the extent that the province can do that, well, the province should do that, and the province can do that with a classification scheme. But I'd encourage this province to take a look at what Manitoba has done. In fact, there's been more than a little bit of regard paid to Manitoba's classification scheme, because they abandoned the censorship role a long time ago. The last I read and the last I visited Winnipeg, it hasn't become Sodom and Gomorrah. Winnipeg and Steinbach are far from the

Sodom and Gomorrah of Canada, and they haven't had a censorship regime for a good chunk of time. In fact, as I've said, they exclude or exempt a significant number of videos from even a requirement that the distributor or person displaying that video has to undergo the expense of the \$4.20-a-minute charge.

For instance, general how-to and exercise films don't have to be submitted, so Bob Vila Does Drywall doesn't even have to be submitted for classification. The classification regime there is one which is contemporary and mature and designed not to perform, contrary to the charter, an act of censorship but to perform the important consumer support role of advice. In other words, films about which there is—here is an example: “violence towards human or animal characters; physical or physiological abuse or humiliation; blood or gore; depictions of death or injury to humans or animal characters; derogatory ethnic, racial, religious or nationalistic stereotypes or symbols; coarse language; the use of drugs, or encouraging the use of alcohol or tobacco; offensive gestures” etc. It's not exhaustive. If a film contains any of those things, it has to be submitted for classification so that the potential viewer or purchaser can be warned.

There is nothing in this government's bill that restricts a five-year-old's access to adult material—nothing. This government, when it talks about using this bill, Bill 158, to somehow protect children against horrifically violent film or video games simply isn't being straight, not with us in the Legislature and not with the people of Ontario, not with the public watching.

Look, we've got a Criminal Code. Folks should take a look at section 163, which is the operative section when it comes to obscene material. I, for one, would be pleased to see the federal government, one Mr. Martin, stepping up to the plate and fulfilling some of his obligations. Some reference has been made to the resource handicap that our police forces work under when it comes to tracking down child porn, when it comes to tracking down some horrific pornography on the Internet, when it comes to the victimization of kids in the course of producing child porn. But take a look at what section 163 says and what constitutes, at first blush, if I can say, “obscene”: “Any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence....”

So one of the things that our federal legislators have done is conceded that a video or a video game can be horrifically, exhaustively, exclusively preoccupied with cruelty and violence, yet it won't be obscene, because if there's no sex it can't be obscene. Do you understand what I'm saying? Our federal government has decreed that a video game or a video can be preoccupied solely with the depiction and exploitation and glorification of crime, horror, cruelty and violence and nothing else—it holds no artistic merit whatsoever—yet without the sex, it's not obscene.

Now the government here says it wants to protect young people against video games that we are told are

preoccupied with violence and glorified violence and engage the player, the participant, in violence. There is nothing in this legislation that will achieve that particular end, nothing whatsoever: nothing that will restrict an adult from giving it to a kid and nothing that will restrict a kid from buying it for himself or downloading it for himself or herself on the Internet, using any one of those high-tech notorious means that have changed the way commerce even works.

I note that in the United States, and I suspect it will soon be happening in Canada, Blockbuster, the video distributor, doesn't even require you to come to the store. You register, you pay a monthly fee, and Blockbuster sends you your videos by mail and then you put them back in the mail. It's like the old record of the month club or Book of the Month Club schemes that you may recall from when you were younger. That's just an illustration. The DVD, as we know it, has an expiration date. By the end of this year, there will be competing technologies, with high-definition DVD and the prospect, if you take a look—do you know what the iPod is? You can learn about it on the computer. The iPod, a little unit the size of—heck, I don't know—a deck of cards has huge megabyte capacity and not only contains songs now but contains images. You've seen those new iPods that you put your thousands and thousands of photographs on.

So if we're talking about the transmission, distribution and sale of images and sounds, we ain't seen nothin' yet. And this bill does nothing—nothing—to address or control or in any way regulate children's access to some

very, very, very, I agree, inappropriate stuff. The government somehow thinks it has discovered the link between depictions of violence and behaviour. Heck, the LaMarsh inquiry, which the province of Ontario commissioned back in the late 1960s or very early 1970s by Judy LaMarsh, was very much a pioneer in that regard. She canvassed popular media at the time and canvassed experts, had a province-wide roaming inquiry and drew some conclusions about the appropriateness of children's exposure to these things. But I say to you, a video label that says, "violence, gore, blood and guts, gratuitous to the nth degree"—I don't know about the kids you know, but the kids I know will be drawn to that like a moth to the back porch light bulb.

At the end of the day, what we're really talking about is the need to give parents the tools necessary so that they can fulfill their responsibilities to their children. Isn't that what we need? Isn't it really about the nutritional label on the soup can, rather than the government trying to, in this instance, illegally re-enter the realm of censorship and causing more grief for itself and the litigants who will undoubtedly litigate with the government at great expense to themselves and once again, just as they did in Glad Day Bookshop, defeat the government in the courts?

The Acting Speaker: Thank you very much. It being 9:30 of the clock, this House stands adjourned until tomorrow afternoon at 1:30.

The House adjourned at 2130.

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Speaker
Honourable Alvin Curling

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L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 16 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 16 février 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HOSPITAL FUNDING

Mr. Bill Murdoch (Bruce–Grey–Owen Sound): I rise in the House today to remind the government about the negative impact that the requirement for hospitals to balance their budgets by 2006 is having on the residents of Grey and Bruce counties. The recent announcement of the Minister of Health and Long-Term Care demanding that hospitals balance their budgets or they would intervene and do it for them has forced our local Owen Sound hospital into a compromising position.

In an attempt to comply with these strong-handed tactics, hospitals are being forced to discuss how care should be delivered in their community. Our local hospital is discussing cuts to key services like oncology. This instability resulted in the resignation of the head of that department, Owen Sound's only oncologist, and is forcing residents of Grey and Bruce counties to travel two-and-a-half to three hours for necessary treatment. As you can imagine, timely treatment of this disease is imperative, and now my constituents are facing delays and exhausting trips to seek life-saving treatment.

Frustrated and outraged, Eleanor Pauling and Erika and Helmut Mayer worked tirelessly to collect more than 9,000 signatures on a petition which asks, where is the better health care promised by Dalton McGuinty? I am reading that petition into the Legislature today and strongly support its request for more stable funding for smaller rural hospitals. We have a health care problem, and creating instability for people providing care and cutting valuable services and financial support will not solve this problem.

AGRICULTURE INDUSTRY

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I rise today to talk about one of the hardest-working and most respected groups in Ontario: our farmers. In addition to our monthly meetings with the Hamilton–Wentworth Federation of Agriculture, I have recently met with dairy farmers, cattlemen, pork, chicken, and grain and corn producers. I can tell you that this is a difficult time in the agricultural sector.

The McGuinty government understands. While our government has made a number of important investments—for example, waiving the land transfer tax for family farms, investing \$410 million of federal-provincial funding for farmers and the industry affected by mad cow, another \$172 million in business risk management programs, and \$20 million under the nutrient management financial assistance program—we must, along with our federal partners, strive to do more.

On Wednesday, March 2, farmers from across Ontario will be visiting Queen's Park. I know Ontario's Minister of Agriculture and Food, the Honourable Steve Peters, looks forward to welcoming them. I will be joining my constituents here on March 2. Why? Because I want to continue to learn from, and our government wants to continue to stand in support of, our farm constituents as they struggle to ensure agricultural sustainability. I hope all members of this House will take time to welcome and talk with our farmers during their March 2 visit.

TOBACCO CONTROL

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I once again express my disappointment with this government's lack of respect for farmers, veterans, restaurants, pubs, bars, corner stores, casinos and bingos.

Yesterday, Health Minister Smitherman launched yet another salvo in his war on tobacco through Bill 164. He said, and I quote, "Cigarette displays in stores targeted at kids are an insidious form of advertising." Minister, corner store operators and employees have long done an outstanding job asking for ID and then turning away young people. Now, Liberal taxes force young people to buy cheap smokes out of the trunk of a car. Those guys don't ask for age.

Another quote: "This is a bill that is firm, but it is fair." Fair to whom? Is it fair to my tobacco farmers sitting here today, waiting for the promised compensation? Is it fair to those restaurant and pub owners who have invested in ventilation units? Is it fair to a single mom who is going to lose her waitressing job?

Another quote: "We do not go out of our way to penalize smokers." This is hypocrisy. The Ontario Liberal government has jacked up cigarette taxes three times since being elected—hypocrisy at its best. You are filling your pockets.

George Smitherman quoted Fidel Castro yesterday. I think that is quite fitting. Bill 164 does come from a dictator.

CHILD CARE

Ms. Andrea Horwath (Hamilton East): I'm taking this opportunity to make a statement on something that is very important to families in Ontario, and that is child care.

Parents had high hopes for a deal on child care between Ontario and Ottawa coming out of the ministers' meeting just last Friday, but they were let down. The McGuinty and Martin Liberals returned with empty hands, empty pocketbooks and empty promises. The Ontario Minister of Children and Youth Services came home from that meeting without a federal dollar commitment and without a plan for investing in not-for-profit child care.

Dalton McGuinty promised a provincial investment of \$300 million to create new child care spaces and reduce waiting lists for children right here in Ontario, right now. Studies show that not-for-profit, regulated child care is the best, the most effective and accountable system for child care, yet the McGuinty government is refusing to commit to it. The minister says she will hand off that decision to municipalities. This wishy-washy stand leaves the door open to the private, big-box daycare operators to come to Ontario and make a profit on caring for children.

As the NDP critic for children, I call on the minister to state clearly that government funding will be dedicated solely to not-for-profit child care, which study after study concludes is the best for children.

There is an increasing public frustration over a McGuinty government that promises the moon and the sun but gets nothing done because there's no plan. Anxious parents and child care advocates were promised leadership on the child care file. All they've seen are baby steps, and that's just not good enough. Ontario needs non-profit child care now.

1340

IMMIGRANTS' SKILLS

Mr. Shafiq Qaadri (Etobicoke North): I rise today to address an issue that is of importance to Ontarians broadly, but particularly to those individuals in my own riding of Etobicoke North.

Last May, I introduced a private member's resolution recognizing that foreign-trained professionals and tradespeople possess a significant potential contribution to the economic and cultural benefit of Ontario. I'm pleased to report that that was passed unanimously by this House. This resolution required that the government work to remove barriers that prevent internationally trained individuals from contributing fully to the labour market. I am proud to say that the McGuinty government is delivering on its pledge to embrace the vast wealth of talent and expertise that is manifest in our internationally trained population.

In January, Minister Chambers visited the Community MicroSkills Development Centre in my riding to an-

nounce a \$5.8-million funding initiative for 15 projects which will eventually support the integration of 1,400 internationally trained professionals, particularly those in the health care industry. This recent support rests on the already impressive roster of rich training programs; for example, \$26 million introduced by the same ministry for 200 training positions for internationally trained medical graduates.

The McGuinty government has a vision for Ontario, a vision that embraces and nurtures the skills of all our peoples, in particular those new Canadians who are still looking to integrate into the workforce.

RIDING OF DUFFERIN-PEEL-
WELLINGTON-GREY

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):

As the last session drew to a close, we heard on a daily basis members on the opposite side chortling and challenging our party, asking us when our leader, John Tory, would come into this House. For almost three weeks now, the people of Dufferin-Peel-Wellington-Grey have been without a representative in this Legislature.

The Premier promised electoral reform. He talked about fixed election dates so that no Premier could play games with the electorate. I submit to the Premier that that is exactly what he is doing with the electorate of Dufferin-Peel-Wellington-Grey. He is playing games. John Tory has accepted the challenge that you put forth to us in the last session. I submit to the Premier, accept this challenge today. Call a by-election for that riding so that those people can be properly represented, so that the people of Ontario can have the Leader of the Opposition in his proper seat here representing their interests in this province.

Stop ducking, Dalton. Get to work. I know things have been tough for you. The people aren't very happy with the job you're doing. You're a little upset. Your boss in Ottawa has given you a spanking. But give the people in Dufferin-Peel-Wellington-Grey a member in this House.

PUBLIC TRANSPORTATION

Mr. Phil McNeely (Ottawa-Orléans): I rise today to speak about the McGuinty government's commitment to increasing transit ridership in the province of Ontario. Under the Harris-Eves government, public transit in this province was ignored. As a result, it declined.

This government came into office with an eye to revitalizing transit. I'm proud to say that we're well on our way to accomplishing that goal. So far, we have given \$78 million to communities in Ontario for transit by way of the gas tax. In the words of the Premier, this money is unprecedented, it's permanent and it's growing.

What's more, the funds from the gas tax encourage municipalities to grow their transit ridership, since funding allocations are partially based on ridership. Let me give you an example from the city of Ottawa, part of

which I represent. Ottawa will receive a total of \$18.8 million from the gas tax between October 2004 and 2005. Over three years, the city will receive \$85 million for public transit. The city plans to use the money to expand the O-Train light rail system, buy new buses, expand routes and increase service, including in my area of Orléans.

We're investing this money because we understand that better public transit means fewer cars on the road, leading to cleaner air and less traffic in Ottawa and across the province. It means we are doing our part in reducing greenhouse gas emissions and being a team player to achieve Canada's Kyoto objectives.

ELECTRICITY SUPPLY

Ms. Monique M. Smith (Nipissing): I am pleased to rise today to talk about the McGuinty government and what we are doing to increase Ontario's clean renewable energy capacity. Last month this government approved applications from private companies to assess wind power potential on 21 crown land sites. In my riding of Nipissing, there are three crown land sites that could potentially be homes to wind farms.

The previous government was unable to effectively manage the energy sector. Nothing illustrates that better than the 2003 blackout. Clearly, Ontario needs new, clean forms of alternative energy supply and capacity. Releasing these crown land sites is an important first step to increasing clean, renewable energy for Ontario's future.

The Ministry of Natural Resources estimates that about 3,000 megawatts of wind power capacity could be developed on private and crown lands in Ontario. Wind power is the fastest-growing energy supply sector in the world. The driving force behind this industry is the need to reduce harmful emissions and toxic waste. Eventually, wind farms could generate enough energy to help reduce our dependence on coal-fired electricity plants. This initiative will also help the McGuinty government achieve its target of generating 5% of the province's total energy capacity from renewable sources by 2007.

I am pleased that Nipissing is included in this initiative and that we are playing an important part in helping the province reach its targets for generating renewable sources of energy.

VISITORS

Mr. Mario G. Racco (Thornhill): I want to say thank you to my honourable colleague for allowing me to introduce three honourable guests from Italy, specifically from Calabria and Sicily. They are Demetrio Scuncia, Alessia Giofrè and Maurizio Scardaci Zappalà. Welcome. These three artists have come from Calabria and Sicily to entertain Calabrians, Sicilians, Italians in Ontario. In fact, they are on a tour of Cuba, the USA and Canada. In Ontario, they have entertained or will be

entertaining people in Ottawa, Thorold, the greater Toronto area, Sudbury, Thunder Bay and Oshawa.

We are very pleased to have them here in Ontario so that our originals—the people who came here many years ago—will be able to be entertained in Italian, but also in their own dialect. It's a pleasure to have them in Ontario. I wish them the best. Please come back as often as you can, because in Ontario we have a significant population from Calabria. In fact, there are about 15 people in this House from the three parties with roots in Italy and, I may add, mostly from Calabria.

It's always a pleasure to have people who come here to remind us of the good culture that we were born with and that we want to continue to enjoy. I know my friend Mr. Marchese, being a Calabrian, appreciates that too.

LEGISLATIVE PAGES

The Speaker (Hon. Alvin Curling): I would ask all members to join me in welcoming this group of legislative pages serving in the first session of the 30th Parliament: Victoria Bragues from Ancaster–Dundas–Flamborough–Aldershot; Christine Eamer from Leeds–Grenville; Clemence Emmanuel from Scarborough–Rouge River; Michael Gallea from Stoney Creek; Fraser Genge from Chatham–Kent–Essex; Jason Gwartz from St. Catharines; John Paul Malette from Windsor West; Gino Marocco from Vaughan–King–Aurora; Sarah-Jane McCullough from Guelph–Wellington; Jessica Mealia from Willowdale; Annieza Mohamed from Etobicoke North; Sarah Morrison from Barrie–Simcoe–Bradford; Abdulkarim Muhaseen from Toronto Centre–Rosedale; Alyssa Novoselac from Mississauga East; Matthew O'Mara from Don Valley East; Wesley Parker from Don Valley West; Katelyn Reszitaryk from Burlington; Kristine Smith from Niagara Falls; Ian Stones from Etobicoke–Lakeshore; and Emma Tennier-Stuart from Beaches–East York.

Will you all join me in welcoming this new set of pages today.

1350

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Alvin Curling): I beg to inform the House that today the Clerk received the report on intended appointments dated February 16, 2005, from the standing committee on government agencies.

Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

STATEMENTS BY THE MINISTRY AND RESPONSES

KYOTO PROTOCOL

Hon. Leona Dombrowsky (Minister of the Environment): I would like to take this opportunity to discuss the Kyoto Protocol on climate change, which came into effect today. On behalf of the government of Ontario, I would like to extend our congratulations to the government of Canada for its commitment to the principles, goals and objectives of the Kyoto Protocol.

The Ontario government intends to continue our effective partnership with the federal government and to continue working to meet our responsibilities under the accord. Our government will work with businesses, homeowners and municipalities to ensure that Ontario is doing its fair share to reduce greenhouse gas emissions in a way that allows our province to prosper and remain competitive. Our government has already taken strong action on air quality to reduce greenhouse gas emissions, combat smog and ensure that people and communities across the province have access to clean air. I would like to take this opportunity to review some of the highlights of our recent actions.

Last year, the governments of Canada and Ontario signed a memorandum of understanding for co-operation on addressing climate change. This agreement provides a framework for our two governments to help coordinate our actions on climate change, smog and related air quality problems. Together, our governments have also signed an agreement with the steel industry that sets out a strategy for reducing emissions from that important sector. We are working to reduce smog-causing and greenhouse gas emissions simultaneously, for the simple reason that both problems are a priority and also because it is the most cost-effective way to do so.

Reducing emissions from the energy sector is one of the key areas we are working on. We remain committed to replacing Ontario's five coal-fired electricity stations. Replacing these facilities with cleaner sources of generation will provide dual benefits for our people and communities, since the coal plants contribute in a major way to both smog and climate change. These five plants currently emit 34 million tonnes of carbon dioxide a year. By replacing them, we can achieve major reductions in the pollutants that contribute to climate change and smog. Our government is requiring the Lakeview Generating Station in Mississauga to stop burning coal by the end of April 2005. The other plants will be phased out over the next few years.

We have begun the process of securing replacements for coal-fired power. The government has completed a renewable energy request for proposals that will add 395 megawatts of small, clean, renewable energy to our system by 2007. Over 90% of this has no greenhouse gas or smog-causing emissions.

Ontario also recently signed an agreement with the province of Manitoba and the federal government to study the feasibility of transmitting some of its hydroelectric power to Ontario. We are boosting Ontario's hydroelectric capacity with a major expansion of the existing facilities at Niagara Falls. Our government has launched a request for proposals for 2,500 more megawatts of clean generation, and we are currently reviewing proposals for more than 8,000 megawatts for capacity that was submitted through this process.

We will encourage more businesses to adopt co-generation and remove barriers to this technology. We are committed to helping Ontario homeowners and businesses reduce their costs and electricity consumption by at least 5% by 2007. We will reduce the government's electricity use by at least 10% over the next two years.

Another important air quality initiative was announced last June at a smog summit in Toronto. Our government's five-point action plan will reduce industrial emissions of toxic and smog-causing air pollutants and thus improve the quality of the air we breathe. Under the five-point plan, emissions of the two most significant smog-causing pollutants—nitrogen oxide and sulphur dioxide—from 30 of our largest facilities will be capped. The cap will be reduced in steps in 2010 and 2015.

We pledge to continue our work with the federal government to reduce the emissions that are so harmful to our air, our people, our environment and our quality of life. There is no future in a dirty economy. Taking action to reduce greenhouse gases is a sign of a cleaner, more efficient, more productive economy and a higher quality of life in our communities.

PUBLIC TRANSPORTATION

Hon. Harinder S. Takhar (Minister of Transportation): I am pleased to rise in the House today. I am happy to announce that our government has made good on its gas tax commitment. We have already invested \$78 million in public transit systems across the province.

I can tell you that the program is already a major success. Provincial gas tax funding is getting more people on public transit.

In the first year of the program, the ridership is expected to increase by six million people. By the end of 2007, we expect to see the kind of service improvements that attract as many as 33 million new transit riders. You heard it right: 33 million riders by 2007.

Our government is investing more than \$1 billion over the next five years in public transit across Ontario. Some 78 transit systems across 105 communities will benefit over the next three years. I understand that five more communities are interested in signing on.

Provincial gas tax funding gives municipalities stable, long-term funding. Now they can better plan and improve their transit systems so that more people will choose transit. We know that one bus can take 50 cars off the road. More people using transit means less congestion. It

means cleaner air everywhere for everyone. We all benefit from this.

Here are some examples of what the gas tax is doing.

It's helping communities expand transit services. In fact, gas tax funding is helping transit systems across Ontario buy more buses. It's helping them buy more than 1,800 new buses over the next three years.

In Sudbury, gas tax has allowed the city to expand services for the disabled. It will run not just on weekdays but throughout the weekend as well. In communities around the province there are new buses on new routes for longer hours, and that is all due to the gas tax.

These are the kinds of transit improvements that really count for our commuters. But don't take just my word for it. Let me quote the mayor of London, who says provincial gas tax funding is "the kind of sustainable funding we've been waiting for. Now we can start planning for the future."

Ken Ogilvie, the executive director of Pollution Probe, said, "We have been waiting for political leadership on this issue, and now we are getting it in Ontario."

This government is committed to increasing transit ridership. We know that getting more people out of their cars means less congestion, less stress and a better quality of life.

Traffic delays cost Ontario billions of dollars every year. Through provincial gas tax funding, we are investing in public transit. We are investing in a stronger economy. It is an investment in our communities and in our future.

1400

ENERGY CONSERVATION

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I am very pleased to announce that the government is introducing draft regulations to require that air conditioners made or sold in Ontario be 30% more energy-efficient than they are today.

On an average summer day, up to 2,500 megawatts of electricity can be attributed to household air conditioning use across the province, equal to half the power used by all the city of Toronto at peak demand. This new regulation would lead to greater energy conservation, and yes, smaller electricity bills.

While the new standards would not affect equipment in current use or on retailers' shelves, they would eliminate production on many of the least efficient units, sparking the manufacture of new, more energy-efficient air conditioners for homes and other buildings across Ontario.

The draft regulation, which is now posted on Ontario's Environmental Registry for public comment, was drafted collaboratively with manufacturers, utilities, retailers and consumer groups.

In addition to more exacting standards for air conditioners, it proposes new efficiency requirements for large residential gas-fired furnaces, street and industrial lighting ballasts and refrigerated display cabinets.

It would also set tougher standards for a number of products already covered by the act, such as household clothes washers and household water heaters.

This regulation continues a legacy of support for energy efficiency started by the Peterson government, which introduced the Energy Efficiency Act in this House in 1988. The first of its kind in Canada, this legislation remains a testament to the commitment of Liberal governments, past and present, to conservation and energy efficiency.

Taken together, regulations under this act have resulted in estimated savings equivalent to more than a year's worth of power for the cities of London and Windsor combined and have saved consumers over \$250 million in energy costs. We look forward to introducing even more standards to help Ontarians become more energy-efficient.

Our government has taken many substantive steps to encourage conservation of our energy resources. We quickly put in place an electricity pricing plan that rewards consumers who conserve and, over the next few weeks, the next steps in that plan will be announced.

The Ontario Energy Board has advanced proposals on the structure of the pricing plan for small consumers and on the implementation of smart meters. It will soon be announcing its final regulated price plan, which will continue to encourage the wise use of energy.

We are working with organizations around the province, from power utilities to environmental organizations to consumer groups, to develop specific, meaningful conservation initiatives. For example, my ministry has entered into partnerships to improve energy efficiency in schools, to help students learn about conservation, to develop plans for helping low-income Ontarians conserve energy and to develop energy conservation initiatives for small businesses, hospitals, farmers and lower-income consumers.

Our government has also removed financial disincentives that local utilities have faced in helping customers conserve. In fact, Ontario's electricity distribution companies are developing and implementing community-based conservation initiatives valued up to a quarter of a billion dollars.

Legislation passed by this House has also set in motion the creation of the Ontario Power Authority, and with it, Ontario's first chief energy conservation officer and energy conservation bureau. The Conservatives and the New Democrats voted against that, and the voters ought not let them forget that.

I'd like to acknowledge the continued good work of the conservation action team, made up of nine parliamentary assistants and chaired by my own parliamentary assistant, the member for Etobicoke Centre, Donna Cansfield. That group has done an outstanding job. It is in no small part through their efforts that this government continues to advance conservation in this province.

In light of our government's priorities, I'm especially pleased to share the good news of this proposed regulation on the same day that the Kyoto accord comes into

force. The accord requires Canada to reduce its emissions of carbon dioxide. In addition to our government's commitment to reduce greenhouse gases by replacing coal with cleaner sources of energy, electricity conservation will play an important role in helping Ontario and Canada meet their Kyoto commitments.

We are positioning Ontario to be a world leader in energy conservation. This will mean more jobs in an innovative economy, it will mean stronger communities and it will mean cleaner air for all of us to breathe.

The Conservative Party opposes cleaning up our environment. They oppose cleaning up our air. They oppose reducing CO₂ emissions into the environment. Dalton McGuinty and this party are moving forward starting the first week of April to get rid of the dirtiest coal-fired plants in the province, to help implement the Kyoto accord and assure that we cut down, or at least reduce, the probability of increasing the risk of lung disease in this province. That government's record, and John Tory's record, which has been all over the board—is John Tory in favour of Kyoto or opposed to Kyoto? We don't know. Does he have a plan for implementing Kyoto? We don't know.

Interjections.

The Speaker (Hon. Alvin Curling): The member from Simcoe North, come to order. I'm trying to hear the statement by the minister.

Hon. Mr. Duncan: This government is moving forward to implement the Kyoto accord. I'm proud to stand in this House today and strengthen energy efficiency regulations in Ontario which will benefit all the citizens in this province.

KYOTO PROTOCOL

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I wish to remind the members opposite and the Minister of the Environment that our party supports concrete action on climate change and the reduction of greenhouse gas emissions. However, we are very disappointed that the Prime Minister proceeded with ratification without providing a detailed analysis of the Kyoto impacts on our economy, especially vis-à-vis our competitors: the United States, India and China. They did not sign on.

Minister of the Environment, don't you think it's time that you and the federal Liberals provided Ontarians with details of a plan for meeting these obligations? How much is it going to cost Ontario taxpayers? You should not be putting jobs at risk just to meet an artificial and, I would suggest, unattainable deadline. Your leader needs to stand up for Ontarians and get a commitment from your federal cousins to assure that Ontario does not shoulder an unfair burden. You need to be announcing new tax incentives for consumers and industry to reduce greenhouse gas emissions, not announcing new regulatory burdens without incentives. I remind the House that since signing Kyoto, emissions of carbon dioxide continue to rise, and that is after federal spending plans of \$3.7 billion.

PUBLIC TRANSPORTATION

Mr. Jim Wilson (Simcoe–Grey): First of all, I want to thank the minister for coming to my riding last week. Secondly, I want to respond to his gas tax announcement today, which is one of the greatest frauds put on the people of Ontario. It turns out that in the last election all municipalities were under the impression that they could share in the gas tax. Today, only 105 of 437 municipalities get any share at all in this gas tax.

I dare the minister to make this statement next week at the ROMA and Good Roads conferences, where mostly rural municipalities are represented. They're going to laugh you off the stage.

Secondly, even cities like Toronto, that get 52% of the gas tax, are now figuring out that they were better off under the Tories.

Interjections.

1410

The Speaker (Hon. Alvin Curling): Order. When the government was making their statements by the ministry—

Interjections.

The Speaker: Hold the clock. I'm just waiting for the Minister of Finance to vent all his emotions. I think he's over them by now.

I hope you can pick up from where you were, member for Simcoe–Grey. Would you continue your response.

Mr. Wilson: Even in the city of Toronto, Mayor Miller has figured out that he got more money for transit under the Tories' old system than he gets now under the gas tax system. You've absolutely not told the truth with respect to gas tax and transit in this province. You're ripping off rural municipalities, and Mayor Miller and the big cities are starting to figure out they've got less money to spend on transit this year under your gas tax scheme than they did when we were in government. Shame on you.

ENERGY CONSERVATION

Mr. John O'Toole (Durham): The three announcements today by the ministers is clear evidence of mismanagement and no vision. Quite honestly, if you—

Interjection.

Mr. O'Toole: Pay attention here. This caucus stands for conservation. That is the legacy of our government: conservation. You cancelled the Energy Star program, a program which encouraged conservation by using energy-efficient appliances. What this government is going to do now is penalize people by charging them to buy—they will have no option but to buy—more energy-efficient appliances, without a tax credit or reward mechanism in place.

It's clear if you read Linda Leatherdale's article today in the Sun that higher electricity prices are on the way. It's all codified language by the Minister of Energy today, who has no plan except to raise the price to encourage conservation.

They've broken every election promise you could bring to mind. The election promise to maintain the cap: They broke that and raised the price by as much as 20%. They promised to close the coal plants: Hansard will reveal to you they have no intention of closing the coal plants as promised. They promised smart meters, and the consumer is going to have to pay. The message here today is that they're trying to find any mechanism to shift the responsibility of shortage of supply because of their coal decision on to the consumer side.

Minister, you know you're presenting a threat to the economy and I dare say to the safety of the people of Ontario. Your policy is reckless, ill conceived, ill managed and is doomed to failure.

KYOTO PROTOCOL

Mr. Howard Hampton (Kenora-Rainy River): I want to respond on the government's lack of a plan to meet its Kyoto commitments. In fact, I heard the minister refer to the Liberal government in Ottawa. Everyone knows the Liberal government in Ottawa is behind and has no plan. It is now trying to scribble one on the back of an envelope, just as you are trying to do here today.

ENERGY CONSERVATION

Mr. Howard Hampton (Kenora-Rainy River): You didn't have a plan for the replacement of the coal-fired generation stations. You still don't have a plan. That is why media are reporting that Minister Duncan is warming to coal, or should I say Minister Duncan likes coal.

I want to refer to the draft regulation, because this is what the government's so-called plan amounts to: a draft regulation on air conditioning. That's it. That's the sum total of it.

What's interesting is, if you refer to some of the people who are actually studying energy efficiency, this is what they say:

"The government of Ontario should adopt minimum energy efficiency standards under the Energy Efficiency Act equivalent to the energy efficiency levels required for Energy Star labelling for all major electricity-using devices." Are they doing that? No.

"The provincial building code should be amended to require R2000, Canadian building improvement program, or equivalent energy efficiency performance for all new buildings and building renovations." Are they doing that? No.

"The Planning Act should be amended to permit municipalities to make energy efficiency design requirements a condition of planning and site approvals for new developments." Are they doing that? No.

"The most energy-efficient technologies in all sectors and end-uses should be labelled through the Energy Star program or, if not included in Energy Star, through a provincial labelling system." Are they doing that? No.

"The government of Ontario should establish a partnership with utilities, financial institutions, energy ser-

vice companies, municipalities, and other stakeholders to offer a series of financing mechanisms to assist electricity consumers in all sectors to finance the adoption of energy-efficient products and technologies and measures out of the savings they will achieve through these investments." Is the McGuinty government doing that? No.

"The government of Ontario should enter into an agreement with the federal government under the auspices of the federal government's Kyoto protocol implementation plan to share the costs of providing the following financial incentives for the adoption of energy-efficient technologies:

"—Grants for high-efficiency home energy retrofits and new R2000 homes." Are they doing that? No.

"—Grants toward the additional costs of new high-efficiency commercial buildings, and commercial building retrofits." Is the McGuinty government doing that? No.

"—Sales tax rebates for all Energy Star products in all sectors and small-scale renewable energy power sources." Are they doing that? No.

This government doesn't have a plan. They announced a draft regulation for air conditioners—not even a regulation; a draft regulation—that probably won't go into effect for a year or so. There's no plan here, no plan whatsoever.

PUBLIC TRANSPORTATION

Mr. Michael Prue (Beaches-East York): I listened to the Minister of Transportation, expecting to hear something new and unique and novel today. But all this is is a reannouncement of an announcement of an announcement, with nothing changing.

There is a huge problem in the city of Toronto. We read about it every day, those of us who live in this city, about the city trying to find \$92 million because of the downloading of the province upon the taxpayers of the city. Is this going to solve any of those problems? Absolutely not. It's not going to solve them because in actual fact they are getting less money in the city of Toronto from this government than they got from the previous one. You should know that and you should not be proud of what you're doing. You should be ashamed of it.

The money is not even going to transit. I quote Minister Bentley in the London Free Press when he said exactly what was going to happen. "The infusion of millions into London from the gas tax—money handed over less than two months ago—meant the city could trim \$455,000 from its transit budget, Bentley said, about the same amount needed for the daycare program."

You're not building new things; you're taking it out of what already exists to build something else. If you are going to do that, at least have the guts to stand up and say that. This is not money for transit; this is money for other programs. You have neglected 350 municipalities in this province, which are literally going to get nothing out of this deal.

Ms. Marilyn Churley (Toronto–Danforth): On a point of order, Mr. Speaker: I'm asking for unanimous consent to vote on my ballot item 39, which would have Ontario establish regulations aimed at capping greenhouse gas emissions.

The Speaker (Hon. Alvin Curling): The member for Toronto–Danforth has asked for unanimous consent. Do we have that? I didn't hear unanimous consent here.

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: I would like to ask for unanimous consent to revert to introduction of bills so that Mr. Hardeman might introduce his private member's bill that will be debated next week.

The Speaker: The member for Nepean–Carleton has asked for unanimous consent. Agreed? Agreed.

1420

INTRODUCTION OF BILLS

FARM IMPLEMENTS AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES APPAREILS AGRICOLES

Mr. Hardeman moved first reading of the following bill:

Bill 168, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector / Projet de loi 168, Loi visant à assurer l'équité, à favoriser la concurrence et le choix chez le consommateur et à encourager l'innovation dans le secteur des appareils agricoles.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr. Ernie Hardeman (Oxford): Thank you very much, Speaker, and thank you to the House for allowing me to introduce it after the time for introduction of bills.

As the title of the bill says, it is a bill to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector. This bill will give farmers, farm implement dealers and manufacturers greater choice in how they operate their business, and I would ask for support when it comes forward for second reading.

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: If I could just present an issue. I have received a notice of resolution from the government on a very important issue with respect to the fiscal relationship between the government of Ontario and the federal government. The federal budget will be printed and going to press in just a few short days, so I appreciate this is a matter that I know the Premier feels is very important. We in the official opposition want to be helpful, as we always are, to allow this resolution to be debated expeditiously and to allow all the voices of Ontario's MPPs to be heard on this issue.

Having said that, I would like to ask for unanimous consent to move the following motion without debate or

amendment and that the question be put forthwith: That the House debate the government resolution, tabled today, this afternoon after question period—

The Speaker: Order. You're just asking for unanimous consent to move your motion.

Mr. Baird: I'd like to speak to the motion.

Interjections.

The Speaker: Order. The member is asking for unanimous consent to move the motion. I got a no.

Interjections.

The Speaker: Order. The matter has been dealt with.

ORAL QUESTIONS

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Robert W. Runciman (Leader of the Opposition): My question is for the Premier. Premier, earlier this afternoon, John Tory sent you a letter about federal-provincial finances, and I want to quote from that letter.

"Premier, if your recent comments toward the federal government are genuine and not just politics of diversion, I urge you to start working with the first ministers in order to reform and review federal-provincial finances.

"Continuing with your current policy of demanding one-time grants from an existing federal surplus will not achieve this end. It is not the result of any plan or thoughtful reform to federal-provincial-municipal finances."

Premier, you promised a constructive approach to dealing with the federal government in the last campaign. After a year and a half, that's suddenly changed. You drank the Kool-Aid, and fed-bashing is in vogue. Will you answer John Tory's letter and immediately call a meeting of the Council of the Federation to develop a real, long-term, sustainable fiscal framework instead of your pick-a-number-from-the-hat approach?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): It is delightful to learn that the official opposition is taking an interest in something which I think is going to be of growing interest to every single Ontarian.

I'm pleased to report that, as chair of the Council of the Federation, the council has, in fact, a proposal which we will be making public very shortly in terms of its end game. It's a proposal to put in place a panel to consider the very issues that the Leader of the Opposition is raising; more specifically, to look at the entire question of the fiscal imbalance. Each of the regions has appointed a representative to this point in time, save and except for Quebec. Once Quebec has its representative on that panel, we will then launch it and make it public.

Mr. Runciman: For the record, our party, the Progressive Conservative Party of Ontario, and our leader, John Tory, have taken an interest in this issue for a number of years, much to the chagrin and criticism of the current Premier of the province.

Premier, your problem is that you've made it too easy for Paul Martin to say no. Your call for \$5 billion is based on the same back-of-a-napkin approach that you used in dealing with health care. There's no plan, no sense that you have any clear idea of where you want to go. For example, just yesterday you said your priority is to spend \$400 million on a swanky new hotel-casino in Windsor. You're telling hospitals at the same time to cut \$170 million from their budget. You're telling nurses that you're hiring 8,000, but in reality you're firing close to 1,000. Paul Martin is right to question your sincerity.

We do need a new fiscal arrangement in this country, but we need a Premier who can build a case, demonstrate need and follow through. Premier, are you telling us today that you do not require a meeting of the federal organization, or is the meeting going to be called? Are you going to call one as the chair of that group?

Hon. Mr. McGuinty: To be very clear, the meeting has been convened. It was convened several months ago now. We've had a number of telephone conferences since then. The die is cast. It's just a matter now of making this panel public.

Let me speak to the issue more broadly, because this gives me a good opportunity to speak to it. I'd be interested to learn a little bit more about where the official opposition stands on this. We believe there is a real and pressing issue of a financial nature before the people of Ontario: That is this whole notion of a \$23-billion gap. That's the difference between how much money the federal government removes from us by way of taxes and other things and returns to us. We believe it is absolutely essential that we retain some of that money. I said that this \$5 billion was a good starting point as a basis for discussion. What we are talking about here is being able to ensure that we have sufficient funds to make absolutely essential investments in things like post-secondary education and infrastructure, which will in turn strengthen this economy, something that will stand to the benefit not only of Ontario but all of Canada.

Mr. Runciman: Premier, it's increasingly clear that your conversion on the road to Damascus is likely more smoke and mirrors. We have pit bulls, censor boards, provincial logos, anything but the real challenges facing the province, and that is truly regrettable. This debate is not about an arbitrary, one-time share of the federal surplus. It's about a fundamental reworking of the nation's fiscal imbalance, something our party has been calling for for years, and we'll forgive you a few stumbles as you get up to speed.

You say you want \$5 billion because you have a \$6-billion deficit. Just last week, your deficit was \$2.2 billion.

Interjections.

The Speaker (Hon. Alvin Curling): Order.

Mr. Runciman: You are over budget in your spending this year by a staggering \$820 million, yet hospitals are still cutting—

Interjections.

The Speaker: Could the members for the government side, especially the ministers on this side—so I can hear

the Leader of the Opposition put his question forward. I'm getting constant interruption from this side. I'd appreciate your co-operation.

Mr. Runciman: As I was saying, the government, under the Premier, is over budget in their spending by a staggering \$820 million this year. Hospitals are still cutting beds and programs, nurses are being laid off, teachers are voting to strike and negotiations with doctors are stalled. We need a new permanent fiscal arrangement, not a one-time bailout. We've suggested that the Premier has no plan in a whole range of areas. Can he indicate to us today, to the people of Ontario, how he arrived at this \$5-billion figure? He's saying it's a starting point. There must be some calculation behind this, or is this once again seat-of-the-pants, write-it-out-on-a-napkin, go to the public and distract the public's attention away from the real challenges facing this province?

Hon. Mr. McGuinty: If the leader of the official opposition is suggesting that this \$23-billion gap is a distraction and of no real concern to the people of Ontario, then he doesn't understand the nature of this issue. We're talking about ensuring that the people of Ontario can retain more of their money so that they can invest in the kinds of things that will generate still more wealth. That's something that will stand to the benefit not only of the people of Ontario, but indeed all the people of Canada.

For example, recently, Bob Rae threw down the gauntlet.

Interjections.

The Speaker: Just a moment, please. It's the same courtesy I ask of the opposition when the Premier is responding. I'm getting constant interruption on this side.

Hon. Mr. McGuinty: Recently, former Premier Bob Rae issued a report, a very solid report, which makes strong recommendations to the effect that it is time for us as a province to make greater investment in our post-secondary education system. He tells us that if we don't begin to do that we will lag further behind. We want to lead in this province. We want to resolve this \$23-billion-gap issue so that we can stand up and be a genuine leader, both in terms of providing good-quality public services to the people of Ontario and ensuring we're providing sufficient wealth to the people of Canada for quality public services from coast to coast to coast.

1430

HEALTH CARE FUNDING

Mr. John R. Baird (Nepean—Carleton): My question is to the Premier. I want to return to your mismanagement of the health care system here in Ontario. The sad reality is that it has become clear to everyone who's watching that you have no plan for health care in Ontario.

I want to bring your attention to the growing crisis at the Kingston General Hospital in eastern Ontario. Yesterday and today, surgeries are being cancelled, forcing patients to travel hundreds of miles out of their home communities for care. Dr. Peter Munt at KGH said, in a

shocking statement, "It's generally getting worse each day. There isn't an end in sight."

Premier, patients in Kingston and the opposition at Queen's Park want to know what your personal plan is to alleviate this crisis that you have created in Kingston.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm pleased to report that, as a result of the outstanding efforts of the MPP for that community, Kingston, we have invested an additional \$41 million in that hospital.

Let me say as well, so that the member opposite understands, we are doing something that has never been done before. We are taking the bull by the horns when it comes to our health care system. We are working with our hospitals on a day-to-day basis. We are not only providing them with more funding than ever before, we are also working to find efficiencies in a way that does not compromise health care. At the same time, we've made hundreds of millions of dollars worth of investment outside our hospitals in community-based care to relieve the pressure that is on our hospitals. That is, broadly speaking, the nature of our plan.

I'm pleased to report that some—how many hospitals have balanced their budgets?

Interjection: Over half.

Hon. Mr. McGuinty: Over half have already balanced their budgets. They've done so in a way that does not compromise care, and we look forward to working with the balance so that we can move forward on this.

Mr. Baird: I'm sure patients in eastern Ontario are happy to have Bob Runciman being that MPP in the local region who is working hard for patient care, because he is seeing nothing from members across the aisle.

The sad reality, Premier, is that Dr. Peter Munt is saying, despite the rhetoric of the member opposite, "It's generally getting worse.... there is no end in sight." The sad reality that you have no plan is made worse. While 50 patients in Kingston wait for a long-term-care bed, just down the road, 10 minutes' drive down the 401, there are 10 vacant beds at the Carveth long-term-care facility—10 vacant beds which could be used to provide better patient care to people in eastern Ontario.

Premier, I want to specifically ask you, and patients in eastern Ontario want to specifically ask you: What is your plan to make this situation better? What is your plan to fix this mess?

Hon. Mr. McGuinty: We have invested over \$2 billion more into health care since we assumed the responsibility of serving Ontarians as their government. We are working hard with our hospitals, our doctors and our nurses to improve the quality of care that we can deliver.

The member opposite knows that, for example, we have some very specific results that we want to achieve when it comes to more cancer care, more cardiac care, more cataract care, more MRIs and more CTs. In fact, we've improved the number of our scans by 20% since we got the job. We are proud of that particular result, and the Minister of Health tells me again and again that one of the things we are about to do is expand our family

health teams. We have had over 200 applications now for only 45 family health teams to be made available at this point in time. There is a very broad embrace of our reforms. There is a critical mass of people who want us to continue to improve the quality of their health care.

Mr. Baird: The sad reality, Premier, is that the hundreds and thousands of Ontarians who are watching on television see no plan from this Premier and this government to alleviate the situation, not just in greater Kingston, not just in eastern Ontario, but right across the province. You see, Premier, these 10 beds are empty because these patients would not be able to get a doctor in that community, and you have no plan to eliminate the doctor shortage in Ontario.

Let's look at what Ontario nurses are saying about the layoffs that your government is undertaking. The Minister of Health bragged in a recent press conference that it's only 757 nurses being laid off. Let's see what the Ontario Nurses' Association says about that. Linda Haslam-Stroud, said, "Layoffs will deeply affect patient care."

Premier, I want to come back to you and I want to come back to the absence of a plan. Stand in your place and tell me, stand in your place and tell patients right across Ontario, and stand in your place and explain to nurses how firing 757 nurses will make health care better in Ontario. Would you do that?

Hon. Mr. McGuinty: As I indicated yesterday, we have funded 3,052 full-time, new nursing positions and we're proud to make that investment.

The member opposite made reference to the doctor shortage. There's no doubt about it, we inherited a situation where we are short of doctors. Let me tell you about some of the things we're doing in that regard. In addition to investing in these 150 family health teams, as I just mentioned, although there are only 45 opportunities available at this time, we have received over 200 applications. Last week, over 550 international medical graduates sat for a clinical assessment. We have doubled the number of spots for international medical graduates, from 90 to 200. I can tell you as well that the College of Physicians and Surgeons of Ontario issued 2,638 licences just last year. For the first time ever, more of those licences were issued to international medical graduates than to Ontario grads.

So we are working with the medical community. We are investing in more medical school spaces, we are building a brand new medical school, and we're opening the doors to our international medical graduates.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Howard Hampton (Kenora-Rainy River): I have a question for the Premier. Conservatives, hospitals, doctors, nurses, Newfoundlanders, Nova Scotians, and now Paul Martin: What do all these people and things have in common? Well, according to Dalton McGuinty, they're all to blame for the problem you now find

yourself with. Here is the reality. You promised to reinvest in hospitals, in health care, in schools and in municipalities, but then you promised Louisiana-style taxes; a complete contradiction. Now that you're being called to account, you are turning around and pointing the finger at everyone else.

Premier, when are you going to stop blaming everyone else for your predicament, the predicament that you created? When are you going to take responsibility for your own government?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I would have thought that the leader of the NDP would have seized the opportunity to say, "I'm onside when it comes to standing up for the people of Ontario." You would think he would have seized that opportunity. Apparently he thinks that the \$23-billion gap is an issue that is not worth addressing. For some reason, he thinks that if an immigrant lands in Montreal and the Quebec government gets \$3,800 and an immigrant lands in Toronto and the Ontario government gets \$800, that is not an issue that should be put under the spotlight and examined very closely. We happen to believe that is an issue that demands examination. It's an issue that demands fairness. It's an issue that is symptomatic of an unfairness that has been obtaining for quite some time now. What we're saying is, it's time to bring this issue forward. It's time for Ontarians to come together and say to the federal government, "We want nothing more and nothing less than fairness."

Mr. Hampton: Premier, it may be news to you that there is a fiscal imbalance, but there has been a fiscal imbalance for some time. You only discover it when you don't have a health care plan, you don't have an education plan, you don't have a plan for municipalities, and suddenly, you look out for someone to blame.

You promised Louisiana-style taxes. Do you remember that? You looked into the camera and said, "I won't raise your taxes, but there will be billions for health care and education and universities and the environment." You created this problem, Premier. You created it; no one else. So I ask you, when are you going to take responsibility for your own government, instead of trying to blame hospitals, doctors, Nova Scotians, Newfoundlanders, and now Paul Martin?

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Hon. Mr. McGuinty: We've invested some \$2.8 billion in health care and \$1.1 billion in education. What we're saying at this point in time is that the federal government has some modicum of responsibility to ensure that the people of Ontario can retain more of their own money so they can invest in better quality public services, so they might better invest in infrastructure, so we can develop a stronger economy here in Ontario, something that will serve not only our province but our country.

You would think, given the logic of that particular argument, that the leader of the NDP would want to join us. You would think that he would want to say that he wants to stand with the people of Ontario. We want to

demand fairness from the federal government. You would have thought, given the nature of the challenges before us and given the obvious unfairness, that he would want to stand with the people of Ontario.

Mr. Hampton: No, I'm here to hold Premier McGuinty to account. I want to mention a famous quote from just a few years ago: "Mike Harris is so obsessed with fed-bashing, he's ignoring the crisis in health care in his own backyard—one largely of his own making." Who said that? Dalton McGuinty said that. Now who has created a health care problem and who's engaging in fed-bashing? Dalton McGuinty.

If I were Paul Martin, I'd be a bit puzzled. He has delivered \$2 billion in new health care funding, he has delivered new federal funding for child care, and his good friend Dalton McGuinty is bashing him. If I were Paul Martin, I'd be puzzled. You made the promises, Premier. You promised Louisiana-style tax cuts. When are you going to stop blaming your good friend Paul Martin and take responsibility for your own actions?

Hon. Mr. McGuinty: I'm sure that the member is going to get a call from Jack Layton shortly, because I know Jack Layton wants to stand up for the province of Ontario.

There is a little bit of difference between the discussion I'm having with the federal government and that which Mike Harris had with the federal government. He was looking for money to put into tax cuts. I'm talking about retaining some of our money so we can invest in better-quality public services. You would think the leader of the NDP would—

Interjections.

The Speaker (Hon. Alvin Curling): Order. I think the members wish to hear the answer.

New question?

Mr. Hampton: Maybe you can explain this: You want to maintain Mike Harris's tax cuts. I don't see much of a difference there.

Premier, you have an obligation to pay to Ontario municipalities a percentage of the social assistance costs that those municipalities incur on your behalf. For example, you owe the city of Toronto approximately \$92 million, Hamilton about \$19 million, London about \$15 million and Windsor about \$12 million. Your minister says that you owe the municipalities in excess of \$150 million a year. But you have refused to pay. Meanwhile, you cry wolf when the federal government doesn't come up with all of the money that you want. Premier, how can you talk out of both sides of your mouth at the same time?

Hon. Mr. McGuinty: It's so obvious that the member doesn't get it. If we had the ability to hang on to more of our money—and we've put down as a basis for discussion \$5 billion, which would mean \$18 billion net would still flow to the federation, and we're proud to send that \$18 billion. But if we could have that \$5 billion or so, then we could provide greater assistance to our municipalities, we could provide more help to Ontario's farmers, we could make essential investments in post-

secondary education, we could make essential investments in infrastructure, like get that bridge moving at the Windsor border. Those are the kinds of investments that we could make if we could just hang on to a bit more of our own money. You would think that that logic would be very clear and inescapable.

Mr. Hampton: Premier, this is the contradiction for you: You owe this money to the municipalities. Many of those municipalities are between a rock and a hard place, and you say, "I'm not paying this money," yet you go to the federal government. You were quite happy to shake Paul Martin's hand a couple of months ago at the health conference and say, "This is a record-breaking deal." You were quite happy a few months ago to say that Paul Martin was doing exactly what needed to happen in the country. But now when you find yourself in a financial jam that you made because you promised Louisiana-style taxes, suddenly you want to say to the municipalities, "We are not paying up." But you want to say to the federal government that they have to bail you out. I ask you again, Premier, how can you talk out of both sides of your mouth at the same time?

Hon. Mr. McGuinty: I'm sure that many, many Ontarians are growing still more disappointed with the NDP Party when they learn that their leader is not prepared to stand up with the people of Ontario and demand a fair deal for the province of Ontario.

We have a good, strong working relationship with Ontario's municipalities, and I'm very proud of the work that Minister Gerretsen has done to establish that good, solid working relationship.

I say to the leader of the NDP, as I say to Ontario municipalities, to Ontario farmers, to Ontario business and to 12.4 million Ontarians, it is important that we stand together on this issue and demand a modicum of fairness from the federal government to ensure that we can retain more of our money so that we can invest in better-quality public services and generate more wealth for Ontario and all of Canada.

Mr. Hampton: Premier, the city of Toronto calculates that your government takes out of Toronto about \$4.5 billion to \$5 billion more than you put back in. So employing your logic, when are you going to write the \$5-billion cheque to Toronto? Because that seems to be the extent of your logic.

Only a few short months ago, Paul Martin was your best friend and Paul Martin was, according to you, setting health care and all these things on the right course for the next generation. But suddenly, when you find yourself in a financial jam of your own making because you promised to maintain Louisiana-style tax cuts, you cry foul. If you can suddenly fed bash—

Interjections.

The Speaker: I'm going to ask the member from Eglinton–Lawrence to come to order and stop interrupting the leader of the third party when he is asking his question.

Premier?

Hon. Mr. McGuinty: As I said, we are working with our municipalities. We have set out on that path since the

day we assumed our responsibilities. I'm pleased that we've done something that none of the other governments even hinted at before. We have put in place new funding; we've given up two cents of our provincial gas tax and turned that over to our cities, on the condition that they invest in public transit. They had the job before, and they could do nothing for Ontario municipalities.

Now there is another issue before us. Obviously, it would be wonderful if we could have inherited a stronger financial position, but we did not and we are working our way out of that. Do you know what? Now there is another important issue before us. Ontarians want to know, where do the leaders of the opposition parties stand when it comes to this \$23-billion gap? Who is prepared to stand with the people of Ontario and demand fairness for the province of Ontario so that we can retain more of our own money, so that we can make investments in our public services, so that we can generate more wealth that benefits Ontario and Canada?

The Speaker: The rules are that you have a minute to put your question and a minute to answer it. I'd like us to obey accordingly.

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ACCESS TO HEALTH CARE

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Premier. With each passing day, it's becoming more apparent to Ontarians that you have no health care plan. Despite the fact that your Minister of Health has made a written commitment to provide drug coverage for Fabry patients, there are now patients who are being denied drug treatment because your minister has refused to live up to his commitment. Bill Taylor and Carolyn Auger in Ottawa have been denied treatment for the past three weeks. If you take a look at the *Sarnia Observer* on February 15, 27-year-old Darren Nesbit is quoted as saying that he will chain himself to the steps of Queen's Park as he dies so that the government can see the effect of denying him and others the life-saving treatment they so desperately need. Premier, I ask you to show compassion. I ask you to tell your minister to keep his written promise and assure treatment for these desperate patients.

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): It would seem more appropriate for the honourable member, in addition to, of course, advocating on behalf of patients, to work with us in two fashions, and firstly, to pay heed to a process, the Common Drug Review, that she herself played a role in helping to establish as Minister of Health at the time. The company has astonishingly decided to play politics with this issue in offering a treatment to people in British Columbia, then suggesting they would treat all Canadians fairly, and subsequently deciding to revoke that privilege for Ontarians.

The reality continues to be that in an environment where there are new products that have tremendous costs made available every day, we have to use a process like the Common Drug Review established by that Minister of Health in order to make sure that any product we pay for has appropriate clinical efficacy. The company themselves asked to be sent back to the Common Drug Review to review new data. That is exactly what is going on, and I urge the honourable member to stand alongside others and ask this company to fulfill—

The Speaker (Hon. Alvin Curling): Thank you.

Mrs. Witmer: That response is disgraceful. There is only one person playing a blame game and playing politics, and that's this minister, who refuses to provide the assurance to these people and passes the buck. He knows what the committee is all about. He also knows that he is the only one who has not agreed to provide treatment to these patients while the deliberations are continuing. If you go to Alberta or you go to Quebec, they're still receiving treatment with provincial approval. Furthermore, 40 other countries in this world have approved this drug for coverage. Will this minister at least now give these patients the assurance that their drug coverage will not be interrupted? Will you commit to do what 40 other countries have done: provide permanent funding and end this torturous delay for these desperate people?

Hon. Mr. Smitherman: It must take considerable gall on the part of that honourable member to stand up in this Legislature after she herself, in the role I now have the honour of operating in, said that it is critically important that we rely on the clinical evidence in making these very difficult determinations around what products should be supported, and then she suggests now, because it suits her purpose today, that we simply offer permanent funding when this product is before the Common Drug Review, the very process she helped to establish as Minister of Health. This company asked us to go back to the Common Drug Review to—

Interjections.

The Speaker: Order. The member from Nepean-Carleton and the member from Durham, I ask you to come to order.

Hon. Mr. Smitherman: We hope the Common Drug Review process can establish that this product is clinically efficacious, but it is not my job alone to be able to do that, and the honourable member knows it. If the company believes so strongly in the product they are offering, then they should fulfill—

The Speaker: Thank you.

KYOTO PROTOCOL

Ms. Marilyn Churley (Toronto-Danforth): A question to the Premier: Today the Kyoto accord came into effect. Ontario is the second-largest producer of greenhouse gases in Canada. Since the negotiation of Kyoto in 1997, Ontario's emissions have gone up, not down, but you don't have a plan for Ontario to reduce its emissions,

nor by how much. The memorandum of understanding you signed last year with the feds is not a real plan. It's just a proposal to make a plan. So today, incredibly, you make an announcement about air conditioners, instead of revealing a comprehensive strategy that has measures like capping greenhouse gas emissions.

Premier, when are you going to reveal a comprehensive plan to reduce greenhouse gas emissions in this province?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): Ontario has the most aggressive plan to address global warming in the entire country. As we shut down our coal-fired generation in our province, that will be the single greatest contribution that any province makes toward meeting our national goal.

Beyond that, let me tell you something else. We have issued requests for proposals for 2,500 megawatts of clean energy—we are changing our energy package—and 400 megawatts of renewable energy. We are working with the federal government in this particular matter to reduce our contribution to global warming, something that will stand to benefit all Ontarians and something that I hope will be reflected in the upcoming federal budget.

Ms. Churley: Premier, your federal cousins don't have a plan either. Maybe you should take the lead on this one.

There are many measures which my leader Howard Hampton pointed out earlier that you did not announce today. Your energy minister, of all people, said no to my motion which would have Ontario establish regulations aimed at capping greenhouse gas emissions. Your energy minister said no, so I'm going to give you another suggestion: Live up to your election promise to curb sprawl that puts more vehicles on the road, because today you released a growth plan that will actually increase, not decrease, urban sprawl and traffic congestion in this province.

Premier, will you close that loophole so that you actually decrease traffic on the road and urban sprawl in this province, not increase it?

Hon. Mr. McGuinty: When it comes to reducing global warming, again, I'm very proud of the efforts that we're making. Let me just list a few of those. First of all, the greenbelt: The greenbelt is a piece of green space that is larger than Prince Edward Island itself; our very aggressive plan that we'll be moving forward on with respect to making ethanol a mandatory component of our gasoline; thirdly, what we are doing with respect to coal-fired generation—we are eliminating it in the province of Ontario; and finally, we are investing two cents of the provincial gas tax into public transit around the province. That is a very proud record that benefits our environment and the people of Ontario.

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IMMIGRANT SERVICES

Mr. Tony C. Wong (Markham): My question is for the Minister of Immigration and Citizenship. Minister,

the province of Ontario is proud to be the leader in welcoming immigrants to Canada. We receive more than half of the country's immigrants each year. Immigration contributes greatly to Ontario's social and economic growth. I know this government is committed to helping newcomers contribute fully to life in Ontario. I am fortunate to have a high percentage of immigrants who make their home in my riding, and I know that Ontario provides a wide range of supports and services to newcomers in helping them integrate in society.

Since the responsibility for providing funding to assist immigrants largely rests in the hands of the federal government, however, could you please explain, Minister, what the government of Ontario is doing to help new immigrants establish themselves successfully?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'm very proud to say that the Ontario government is committed to helping newcomers contribute fully to the social and economic life of this province. Each year, on average, approximately 130,000 immigrants, more than half of all the immigrants to Canada, choose to make Ontario their home.

My ministry's newcomer settlement program funds 79 community agencies to provide settlement services for newcomers. The Ministry of Training, Colleges and Universities invests in bridge training programs for internationally trained individuals. The Ministry of Education invests in English-as-a-second-language programming, and the Ministry of Health and Long-Term Care has implemented initiatives to make it easier for foreign-trained doctors to practise medicine in Ontario. In fact, my colleague has doubled the number of residencies for foreign-trained physicians.

On top of that, we are aggressively negotiating a fair deal for Ontario with the federal government. We are the only province that doesn't have an immigration agreement. We have \$800 per immigrant from Ottawa while Quebec has \$3,800 from Ottawa. It's not fair. The time to act is now, and we're aggressively pursuing a fair deal with Ottawa.

The Speaker (Hon. Alvin Curling): Supplementary?

Mrs. Linda Jeffrey (Brampton Centre): I'm not surprised to hear how much this government values immigrants in the province, but I am surprised and concerned to hear about the federal government's inadequate contribution. It doesn't seem fair. This question is important to my riding of Brampton Centre. According to the 2001 census, Brampton had more than 129,000 immigrants. In fact, Peel's share of new immigrants has rapidly increased from 11% to almost 21% since 1996.

Minister, I know you've been working with the federal government to get a new immigration deal for Ontario. Ontario is the only province in the country without an immigration agreement. Since this could greatly improve the outcome for newcomers to this province, it's very important for our continued success. What's the status of the negotiations and why isn't the federal government moving more quickly?

Hon. Mrs. Bountrogianni: I pride myself on my patience with working with colleagues from all political parties, but I have to say my patience has been tested in this case. It's simply not fair—\$800 per immigrant in Ontario and \$3,800 for Quebec—considering the secondary migration of Quebecers coming to Ontario, and we get nothing for those immigrants. Ottawa spends \$1,055 more on each Quebecer than per Ontarian, Ottawa spends \$456 more on each western Canadian than per Ontarian and Ottawa spends over \$4,000 more on each Atlantic Canadian than per Ontarian.

This may be federal money in the federal agreement that we're going after, but it's Ontario taxpayers' money that we're going after. Ontario is the economic engine of the country. We have a letter of intent that a deal will be signed within this year and we are aggressively pursuing our fair share for the citizens of Ontario.

ACCESS TO HEALTH CARE

Mrs. Elizabeth Witmer (Kitchener-Waterloo): My question is to the Premier. I ask you again to encourage your Minister of Health to fulfill his commitment to the patients who suffer from Fabry disease. This is the stall tactic that he has undertaken. It has been sent back to the same committee that recommended against coverage.

The facts are that the department of human genetics at the Mount Sinai Hospital school of medicine in New York recently reported that a panel of physicians, experts in Fabry disease, recommended that enzyme replacement therapy be started as soon as possible when a diagnosis was made. The drug has been extensively reviewed by the other 40 countries that are providing coverage. I ask you today, will you stop the politics, quit the delay and fulfill your promise to provide this life-saving medication to the patients?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the minister, Speaker.

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm happy to have the opportunity to repeat what I said to honourable member earlier. The Common Drug Review was established on her watch. That is what Canadian jurisdictions, all provinces and territories, determined was appropriate, not depending upon what every other country did. Why did it go back to the Common Drug Review? Because the company was dissatisfied that the earlier review by the Common Drug Review in fact looked at the appropriate information and data. So it was at their very instigation that provinces and territories agreed it would be appropriate to take another look at it, and that is exactly the status of the situation.

I repeat that if the company believes so strongly in the quality of the product and the benefit it offers to the patients of Ontario, then they should fulfill the word they gave, which is that all patients in Canada will be treated equally.

Mrs. Witmer: The minister knows full well that the committee where the drug has gone for review is not the appropriate committee for review of this orphan drug. He also knows that the Minister of Health in Alberta made a

commitment that all the patients would receive coverage until a final decision is made.

Why are you not doing the same? Why will you not give assurance to the people who suffer from Fabry disease in this province and assure them that they will have coverage? Why can't you do so? Why do you so lack compassion? I can't believe it.

Hon. Mr. Smitherman: The honourable member, who herself stood in her place when she was the Minister of Health in very similar situations, now accuses others of not having a sufficiency of compassion. If it were as simple as that, that would be very helpful indeed.

The Common Drug Review was established on her watch by provinces and territories together, with a view toward making sure that we use clinical efficacy in determining what products our public health system can support. This is one of those that is undergoing the review, itself requested by the company. In the meantime, we ask only one thing, and that is that the company treat all patients in Canada equally, as they committed to do. I ask the honourable member to stand alongside me and others and say to this company, "Stop playing politics in Ontario alone and treat all patients across the country of Canada equally."

TUITION FEES

Mr. Rosario Marchese (Trinity-Spadina): My question is to the Premier. You were supposed to be the Premier who was going to bring skyrocketing tuition fees under control. In your platform—

Interjections.

The Speaker (Hon. Alvin Curling): Order.

Mr. Marchese: I quote you: "The Harris-Eves government raised tuition a staggering 45% for basic undergraduate programs and allowed tuition to skyrocket in programs such as medicine, law and engineering." And you said, "We will not let this continue." But in response to the recently released post-secondary review, you told the *Globe and Mail*, "The price of tuition will go up. The only issue is the pace at which it goes up."

Are these the words of a man who has a plan to bring down skyrocketing tuition fees, or are these the words of a man who never had a real plan to bring tuition fees down?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): I am very proud to confirm that for the second year running, beginning this September, Ontario students at our colleges and universities will have tuition fees frozen.

We're very pleased with the report we received from the former NDP leader, Bob Rae. We're very pleased with the advice he has offered us. As I indicated, the only question for us is how we are going to deliver on this. I've asked the Minister of Finance to be as creative as possible to ensure that we can begin to make essential investments in our colleges and universities, something that will stand to the benefit not only of families and students but the entire economy as a whole.

Mr. Marchese: The post-secondary review recommended \$1.3 billion in base funding by 2006, \$150 million in student aid this year, and \$200 million in university repairs every year for the next three years, among other important recommendations. I wonder if the Premier would be as quick to commit to those recommendations as he is to hiking tuition fees and to whacking students once again.

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Hon. Mr. McGuinty: Speaking of whacking, this is a member of a party which, when it formed the government, increased tuition for colleges and universities by some 60%. Now that is what I call a whacking.

I can tell you that we intend to stand up for our Ontario students. We will make essential investments in their colleges and universities. We will provide a more fair system of student assistance. There will be more grants for our students at the bottom end of the economic scale. There will be more loan opportunities for those in the middle-income group. We will ensure that our tuition fee increases are modest and responsible, and it will be accompanied by a lion's share investment coming from this government.

GROWTH PLANNING

Mrs. Liz Sandals (Guelph-Wellington): My question is for the Minister of Public Infrastructure Renewal. Minister Caplan, Ontarians have asked us to deliver the real, positive change needed to build strong, prosperous communities with a healthy environment and an excellent quality of life. Since last summer, when you released the *Places to Grow: Better Choices, Brighter Future* discussion paper, people in my riding of Guelph-Wellington have been anxious to see what has been going on and how our government plans to deal with sprawl and gridlock. You have said this plan would improve our economy and allow us to make further investments in our communities.

Ontario is expecting growth of four million people, creating the need for about two million jobs over the next 30 years. How will your plan create opportunities for this kind of future growth?

Hon. David Caplan (Minister of Public Infrastructure Renewal): I'm delighted with the question. Our just-released *Places to Grow* draft creates a plan for the greater Golden Horseshoe that lays out the kind of growth that Ontarians have told us they want, the kind that creates jobs, that attracts investment, that protects our valuable natural resources and improves quality of life.

The forecasted growth that the member refers to has enormous implications for the kind of public infrastructure investment we need, as well as augmenting the importance of building healthy and complete communities. It is critical that this region continue to be economically competitive and offer a high quality of life, and that's why we need a plan. For the very first time in the history of this province, that's exactly what we're doing.

The draft growth plan for the greater Golden Horseshoe addresses where and how the region should grow, how our investments will be made and prioritized, how we support these growth areas, how we protect the areas, our food and water and recreational resources, at the same time avoiding the consequences of increased gridlock chewing up green space, driving away investment and reducing quality of life.

Mrs. Sandals: It is important that future generations not be burdened with the many challenges we face today because of sprawl and gridlock. Certainly in my riding one of the key concerns is that we not become the next Toronto, the next GTA, in terms of density of growth. However, will a region that practises growth management actually improve their economic performance relative to other regions?

Hon. Mr. Caplan: The short answer is yes. International studies have shown that metropolitan areas that practise growth management can actually improve their economic performance relative to other regions. The greater Golden Horseshoe is an ideal example. It already boasts a highly educated population and a strong natural resource base. This new integrated approach to community planning will deliver a quality of life that continues to be the envy of the world.

In recent years, the provincial growth planning role has fallen by the wayside under previous governments. The result: disjointed communities, underdeveloped transit, gridlock, rising pollution and ever-longer commute times to and from jobs. In addition, the greater Golden Horseshoe region has outgrown the infrastructure that was put in place in the 1960s, 1970s and 1980s, and it will cost literally tens of billions of dollars to ensure that we maintain the critical capital infrastructure we have today and build for our needs for tomorrow.

HOSPITAL FUNDING

Mr. Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Health. North Bay officials have been waiting months for the province to allow the new hospital to go to tender. The hospital has raised its share of the required money from the community and has jumped through hoops to meet your requirements. They are clinging to the assurances that the project is a top priority. Meanwhile, the construction costs continue to rise by as much as \$750,000 each month the project is delayed.

Minister, please be clear: When will you allow the North Bay hospital project to go to tender?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the honourable member, particularly as it follows on the recent visit by his party leader to Cornwall, where, for the first time, in a bit of honesty, at least, the honourable member's leader acknowledged that it was an inappropriate habit on the part of your party while in government to run around all over Ontario before the last election and promise a hospital everywhere.

The reality that we inherited, in addition to your Magna budget deficit, was a \$5.2-billion—

Interjections.

Hon. Mr. Smitherman: Oh, they don't want to hear it, Mr. Speaker: a \$5.2-billion list of hospitals promised or expected. In the face of that incredible challenge, however, I'm pleased to say that the honourable member from North Bay and her efforts and the local community's more recent efforts to get their local share in a healthier position mean that we're getting close to being able to make progress on a project that is a priority for our government, but a priority, apparently, that your party couldn't deliver even while your Premier held that seat.

Mr. Miller: I'm glad to hear you're closer to making progress, but somehow you have \$400 million for a casino and yet you don't have money for this hospital.

I would like to read from a letter I received from a constituent of mine who wrote directly to you. This is from the letter:

"Without a mandate to do so, you have raised taxes, invented LHINs, abolished district health councils, antagonized physicians, hospital boards and administrators, chiropractors, physiotherapists and optometrists, and through the uncertainties so generated are creating a climate of insecurity and abysmal morale for the key workers in these systems....

"The icing on the cake, prompting me to compose this letter, was to hear that while hospital staff are being laid off and promised nurses cannot get full-time work, your government is contemplating aid to a casino in Windsor to the tune of \$400 million."

This constituent can see that you don't have a plan for health care in Ontario. Minister, how do you justify \$400 million for a casino but no money to start the construction of the North Bay hospital?

Hon. Mr. Smitherman: Firstly, the honourable member well knows that not one penny of health care dollars, in the short-term especially, is affected by a casino enhancement in Windsor. In fact, what the honourable member ought to have figured out by now is that solid economic performance is the only hope for the future of social services like the ones that he talks about. We made a \$2.8-billion investment in health care this year, and his leader proposes to cut health care by \$2.4 billion. And what's left he promises to privatize, like the 407. That's their model for health care.

I ask the honourable member, in the broader characterization that he uses at the front end of his question: Is that the personal experience that you've had with my leadership when I came to South Muskoka hospital to work with you?

FOREST INDUSTRY

Mr. Gilles Bisson (Timmins-James Bay): My question is to the Minister of Natural Resources. In early January, Tembec and Domtar announced the closure of sawmills in northern Ontario, three specifically in

Chapleau, Kirkland Lake and Opasatika. What's surprising is that for these same two companies, immediately after this devastating announcement was revealed, you as Minister of Natural Resources would allow the transfer of the wood from those mills to other mills in their operations.

Minister, you're creating an extremely bad precedent, allowing these forestry companies to create supermills that will then, in turn, gobble up all the wood, to the detriment of small communities across northern Ontario. This is devastating to small communities.

My question on behalf of communities like Opasatika is a very simple one: Will you reverse your position and not permit the transfer of wood, so that communities like Opasatika can go out and find another operator who is willing to operate a sawmill in their community, keeping the jobs where they belong?

Hon. David Ramsay (Minister of Natural Resources): I'd like to remind the member that during the NDP years, 1990-95, 14 sawmills closed in northern Ontario. I would also like to remind the member that when he is referring specifically to Opasatika—I would like to say about the Opasatika situation that Bud Wildman, when he was the minister in that government, allowed Spruce Falls to establish a sawmill in Kapuskasing—

Mr. Howard Hampton (Kenora-Rainy River): Where?

The Speaker (Hon. Alvin Curling): I ask the leader of the third party to come to order.

Minister?

Hon. Mr. Ramsay: For the rest of this, I'll await the supplementary.

It's Field, Golden Valley, Thunder Bay, Hearst, Rayside, Eganville, Fort Frances, Sioux Lookout, Pembroke, Pakesley, Wawa, North Bay and the Bancroft area. That's where.

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Mr. Bisson: What a load of crap. We were the government when those mills were in difficulty and went across northern Ontario with the Minister of Natural Resources, the Premier of Ontario, the Minister of Northern Development and myself and saved communities like Kapuskasing, Sault Ste. Marie, Thunder Bay and Hearst. This minister stands there and tries to deflect the attention off himself and on to us. That is reprehensible.

The issue is this: Opasatika is about to lose its only employer. That is unacceptable, and all you can do is sit around and try to lay blame where it doesn't belong. We are asking you seriously once again: Are you prepared to reverse your decision and not allow the transfer of that wood so that Opasatika can do what it would have done under an NDP government, and that is to restructure itself so those jobs can be saved?

Hon. Mr. Ramsay: I would like to inform the member that I don't have to make any direction on that wood, because when Bud Wildman approved the Spruce Falls sawmill in Kapuskasing and gave direction to the Excel mill, once that mill is now closed and no longer purchasing wood, the SFL holder can direct all the wood

to Hearst and Kapuskasing. I don't have to do anything in this situation.

Mr. Bisson: On a point of order, Mr. Speaker: I am putting notice of dissatisfaction on that question and demanding a late show from this minister, who tries to do things—

The Speaker: Thank you. That's been taken. New question.

KYOTO PROTOCOL

Mr. David Oraziotti (Sault Ste. Marie): My question is for the Minister of the Environment. Today is a momentous day. Today the Kyoto Protocol comes into effect in Canada and 140 other countries around the world that have had the fortitude to resist considerable pressure not to ratify the agreement.

The world's leading scientific experts continue to demonstrate that the world's climate is getting warmer due to the persistent buildup of greenhouse gases. Leading scientists state that this buildup of greenhouse gases is due in large part to the burning of fossil fuels. Minister, what is our government doing to assist the government of Canada in its efforts to address the potential adverse effects of greenhouse gases on the environment and human health? What action is our government taking to better alert the people in communities around this province with respect to highly localized incidents of poor air quality?

Hon. Leona Dombrowsky (Minister of the Environment): I'm very happy to reiterate what the Premier has already stated in this House about our commitment and our actions toward meeting Kyoto commitments here and in Canada. We are committed to replacing coal-fired generation in the province. We are committed to burning cleaner gasoline in our vehicles. We have committed two cents of our gas tax to municipalities to assist them to develop better transit routes across this province. We are committed to a comprehensive conservation plan and we are also committed to ensuring, with regard to road inspections, that our vehicles will be clean and that they will burn cleaner gas.

The Speaker (Hon. Alvin Curling): That brings us to the end of oral questions. Let me just convey to you my appreciation for your co-operation in oral questions today.

PETITIONS

HOSPITAL FUNDING

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition here which has over 9,000 names on it. It was collected by a lady named Eleanor Pauling and her friends Erika and Helmut Mayer. They worked very hard. This has to do with our hospital.

The petition is to the Legislative Assembly of Ontario:

"Whereas the health care cutbacks are having a devastating effect in our region;

"More hospital funding is a must for rural hospitals.

"Stop government waste.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The CEO of Grey Bruce Health Services recently announced a draft plan to enable the hospital corporation to meet the budget requirements set by the Ministry of Health. If carried out to completion, this plan would have drastic effects on health care in our area. The board faces the difficult task of finding the impossible savings, if they are to comply with the demands of the ministry.

"These cuts will result in devastating ripple effects, as residents of Grey and Bruce counties will be forced to travel out of the area for essential services and will face even longer waits, when time is of the essence. Inevitably, more complications will occur as a result of care at a distance, not to mention the fatigue for the patient. Of special note are proposed cuts to oncology, rehabilitation, psychiatry and obstetrical services. It is a long way to Toronto and London for services that are already overextended. These services, which have been provided effectively close to home, will cost much more in a large centre.

"The cuts to hospital staff through outsourcing and layoffs will have a devastating effect on the lives of individuals in our communities.

"Grey-Bruce per capita has one of the highest rates of breast cancer in all of Canada; also per capita, one of the highest numbers of senior citizens. For us to now lose our one and only oncologist is unforgivable to our Canadian health system.

"Last year, the writer of this letter lost one friend to breast cancer because of delays; now another is travelling to London for treatment. The third best friend with rapid growth of breast cancer has had her appointment cancelled for the 4th of January this year by our oncology department with a simple quote: 'Not taking any more patients as the doctor will be leaving town due to the possibility the department may close.'"

Mr. Speaker, I'll only be a second here.

Now this patient is on the end of a waiting list to get into another oncology department out of town.

"We, as a community, will do whatever is in our power to get better and faster medical treatment for those in need. This is what our Prime Minister, Paul Martin, and our Premier, Dalton McGuinty, both promised in their election campaign. Where is the better health care promised by both? All we hear about are more and more cuts."

The \$2 billion or more funds that are unaccountable in the recent federal scandal must be found, returned to the government and given to regional health centres such as ours.

"More funding is a must for smaller, rural hospitals to continue to function. Appropriate funding is a must, as promised by both federal and provincial governments. We, as citizens of Ontario, are demanding such."

I have signed this petition too, which has over 9,000 signatures.

SECOND-STAGE HOUSING

Ms. Andrea Horwath (Hamilton East): This is a petition to the Legislative Assembly of Ontario:

"Whereas funding for core counselling programs is needed, Family Services Hamilton has no funding to operate 28 units and therefore does not have the core funding to operate the second-stage services program;

"Whereas on April 6, 2004, the Honourable Sandra Pupatello stood in the provincial Parliament to announce government initiatives to fight domestic violence. She stated, 'Probably the most significant part of this announcement today is getting our government back in the business of second-stage housing.' The Liberals indicated that they would return core funding to support the programs and services in cash-strapped organizations like ours;

"Whereas on November 1, 2004, to the astonishment of Family Services Hamilton, these dollars were to be allocated for transitional housing support. Instead of following through with the original promise to reinvest in the 27 existing programs, the \$3.5 million was to be dispersed among 70 agencies across the province. Most of these agencies are not second stage, and some second stages have since found out that their programs will not be numbered among those receiving the funds. We got no funding! Where is the core funding to come from to operate programs that were ignored?

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the government revises their decision based on the impact to the services in our sector and immediately reinstate full funding to the second-stage services program of Family Services Hamilton."

I agree with this petition, and I affix my name thereon.

1530

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): I'll read a petition. This is a petition from all over the province in support of Bill 3.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students,

which requires that every school principal in Ontario establish a school anaphylactic plan.”

I sign my name to this petition because it's my bill.

ANTI-SMOKING LEGISLATION

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

“Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as legion halls, navy clubs and related facilities as well; and

“Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

“Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the Parliament of Ontario exempt legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation.”

I agree and I've signed this petition.

IMMIGRANTS' SKILLS

Mr. Shafiq Qaadri (Etobicoke North): I have a petition here addressed to the Legislative Assembly of Ontario regarding access to trades and professions in Ontario.

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other institutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario's professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate

the entry, or re-entry, of skilled workers and professionals trained outside Canada into the Canadian workforce.”

I'm pleased to support this, Speaker, and send it to you via page Matthew.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I'm pleased to sign my name to it.

TTC RIGHT-OF-WAY

Mr. Tony Ruprecht (Davenport): I have a petition that's addressed to the Parliament of Ontario, and to the Minister of the Environment specifically. It reads as follows:

“Whereas the city filed the ESR, the environmental assessment report, and issued the notice of completion on November 22, 2004, and initiated a 45-day public review period;

“Whereas environmental impacts of the dedicated right-of-way significantly affect the quality of life of nearby residents dramatically and detrimentally;

“Whereas the availability of other alternatives to the project have not received careful consideration;

“Whereas the public consultation program and the opportunities for public participation have not been adequate;

“Whereas specific concerns remain unresolved, such as curb cutting, therefore reducing the sidewalks in such a way as to decimate community life;

"Whereas the city/TTC have not made their case within the parameters set out by the Environmental Assessment Act. The act defines "environment" to include "the social, economic and cultural condition that influences the life of humans or a community". The city has not established the need for the project, nor has it adequately assessed the potential socio-economic impacts that would result from constructed dedicated streetcar lanes on St. Clair Avenue West;

"Therefore, we, the undersigned, demand that the Minister of the Environment issue a Part II order which would subject the St. Clair project and dedicated right-of-way of the TTC to an individual environmental assessment."

Since I agree with this, I am delighted to sign my name to it.

WATERLOO-WELLINGTON TRANSPORTATION ACTION PLAN

Mr. Ted Arnott (Waterloo-Wellington): My petition is to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the residents of Waterloo-Wellington need and deserve excellent roads and highways for their safe travel; and

"Whereas good transportation links are vital to the strength of our local economy, supporting job creation through the efficient delivery of our products to the North American marketplace; and

"Whereas transit services are essential to managing the future growth of our urban communities and have a relatively minimal impact on our natural environment; and

"Whereas Waterloo-Wellington MPP Ted Arnott has asked all municipalities of Waterloo-Wellington to provide him with their top transportation priorities for the next five years and beyond, all of them responded, and their recommendations form the Waterloo-Wellington transportation action plan; and

"Whereas Transportation Minister Frank Klees responded quickly to MPP Ted Arnott's request for a meeting with the councillors and staff of Waterloo-Wellington's municipalities, and listened to their recommendations; and

"Whereas the Waterloo-Wellington transportation action plan contains over 40 recommendations provided to MPP Ted Arnott by municipalities, and there is recurrent support for implementing the corridor study of Highway 7/8 between Kitchener and Stratford, a new four-lane Highway 7 from Kitchener to Guelph, assistance for Wellington county to rebuild Highway 24 from Guelph to Cambridge, a repaired and upgraded Highway 6 from Fergus to Mount Forest, Waterloo region's light rail transit initiative, OSTAR funding for transportation-related projects, and other projects;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government support Ted Arnott's Waterloo-Wellington transportation action plan, and initiate the necessary studies and/or construction of the projects in it."

It is signed by a significant number of my constituents.

PIT BULLS

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm pleased to present a petition to the Legislative Assembly from residents in my riding of Etobicoke-Lakeshore, in particular Susan Wankiewicz, in support of legislation to protect our community from dangerous dogs. These 673 signatures were collected following a vicious pit bull attack in September 2004 and demonstrate the strong reaction from our community. It states:

"I agree that we should live in a neighbourhood where our children and pets will be safe and the threat of attacks by dangerous dogs does not exist."

I agree with it and I've signed my name to it.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorses Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank Warren Gibson, Ltd. for circulating this petition and, of course, I've signed it.

SCHOOL BUS SAFETY

Mr. Michael Gravelle (Thunder Bay-Superior North): I have a petition sent to me by Melanie Perrier, the mother of Allyceea Ennis, who died so tragically on the school bus in Thunder Bay about a year ago—a very important campaign signed by 1,616 people.

"Whereas the Ontario Ministry of Education requires district school boards to ensure that classes, 'on average for each board, do not exceed 24.5 in elementary overall' ...

"Whereas the Ontario Ministry of Education states, 'For safety and discipline purposes, a school bus is regarded as an extension of the classroom';

"Whereas a full-size school bus has 24 seats and can carry up to 72 children, far more than a teacher is allowed to supervise unassisted;

"Whereas the Ontario Ministry of Transportation states, 'Police can charge drivers with careless driving if they do not pay full attention to the driving task';

"Whereas school bus drivers, no matter how diligent, cannot adequately supervise up to 72 children and safely navigate a multi-tonne bus through busy traffic and changing road conditions;...

"Whereas the Ontario Ministry of Transportation regulates deployment of safety equipment unique to school buses;

"Whereas Transport Canada recommends that, 'depending on their physical characteristics, children up to the age of four or five be restrained on school buses using the same restraint system recommended for a passenger vehicle';...

"Whereas the Ontario Ministry of Transportation is responsible for establishing rules and regulations pertaining to driver qualifications and licensing;

"Whereas the Canadian Council of Motor Transport Administrators recommends that commercial vehicle drivers take a first aid course that includes respiratory emergencies, artificial respiration and accident scene management;...

"Therefore, we, the undersigned, remember Allyceea and petition the Legislative Assembly as follows:

"That the Legislature pass a law:

"(1) requiring all elementary school buses to have a trained adult supervisor on board, in addition to the driver;

"(2) requiring the proper installation and use of appropriate child safety restraint systems on school buses for all children under 50 pounds or 23 kilograms; and

"(3) requiring all school bus drivers to annually pass mandatory instruction and testing in first aid, CPR and emergency situation management, as a requirement of Ministry of Transportation licensing."

Mr. Speaker, I support the petition and sign it, and I thank you for your indulgence in letting me read this.

1540

ORDERS OF THE DAY

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Resuming the debate adjourned on February 15, 2005, on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi

sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

The Speaker (Hon. Alvin Curling): I understand that at the end of the day the member for Niagara Centre had the floor.

Mr. Peter Kormos (Niagara Centre): I believe I have about 25 minutes left.

It's a pleasure to be able to address this bill as lead-off on behalf of the NDP over the course of two days. Last night, of course, was an evening sitting, and here we are in an afternoon sitting.

Let's understand what has happened here. I have had the opportunity to read the remarks of the minister and other government members who participated in the one-hour lead-off—most interesting and fascinating. The government, on the one hand, tried to create the impression that somehow it was modernizing the Theatres Act on its own initiative, that it was forging ahead, when in fact the reality is that the government is responding to the order of the Superior Court in Ontario, which made it very clear that the province's censorship of film was contrary to the charter, specifically section 2(b).

In a very thorough judgment, a judgment that was not appealed by the government, His Lordship, Mr. Justice Juriansz, finding that the censorship provisions of the historic Theatres Act violated section 2(b) of the charter, also found that the classification provisions—there was no suggestion in the ruling, as a matter of fact, it wasn't even argued by the defendants who appealed the original conviction, that the province did not have the power to classify, but Justice Juriansz found there was such an intermingling in the sections that created both censorship as well as classification powers that he struck the censorship powers down. He said they are a violation of 2(b) and cannot be allowed to stand, but he gave the government a year to clean up the mess—a whole year.

The judgment is as clear as clear could be, unequivocal, not negotiable: The province cannot censor films. The whole issue of prior restraint, censorship, was one that, if exercised in the context of the Theatres Act with respect to film, videotape and DVD, violated section 2(b).

The government had a year. The year started to run on April 30, 2004, so what it means is that we're a couple of months up against the deadline now. The government dragged its heels and dragged its heels and mucked around, and we didn't see legislation until toward the very end of last year. Lo and behold, what does a careful inspection of that legislation reveal? It reveals that the government clearly didn't pay attention to the Superior Court ruling at all, because the government, in section 7 of its bill, rewrites censorship powers for the government.

The court was very clear. It's the censorship provisions of the old Theatres Act that posed the problem. It told the province, "Go back to the drafting table and cull out the censorship provisions." As to the classification provisions—no problem with those; nobody argued that there was a problem with them. Classify to your heart's content. Classify till the cows come home. Have people

over at your ministry, Minister Watson, watching dirty movies until they can't watch dirty movies any more and classify them all they want. They can put "dirty, dirty, dirty" on the front cover. They can put "really sexy movie." They can put "Even adults shouldn't watch this movie. You've got to be over 75 to watch this movie." The court said you can classify all you want.

Was it just about a year ago, Minister, that we learned that your scarce staff over there was spending more time watching dirty movies than enforcing any other provisions of the numerous pieces of legislation that they were called upon to enforce? And people wonder why they get call answer when they call the ministry, which has been all but gutted. People wonder, as does Mr. Martiniuk—he was very clear about that last night—why they can't get a birth certificate for love nor money and why there's foul-up after foul-up after foul-up.

So the court says you can classify it, but you can't censor. The court couldn't have been clearer. The government chose not to appeal the decision, and in doing so, ratified it, confirmed it, accepted it and acknowledged that that was the law of the land. And what does it do in the bill it puts forward? Once again, in section 7 of that bill, it enacts censorship powers very specifically. You see, there are two powers. One is the classification powers, and that's in section 6, and the other is the approval powers, and that's in section 7.

Classification is about—well, it's about classification. Approval is about prior restraint; it's about censorship. That's what the court said you can't do. The court struck down those provisions of your old, historic Theatres Act. You screwed up. You mucked up big time. Lord. Boy, you've got the resources of the Ministry of the Attorney General, you've got legislative counsel, you've got an entourage that would choke a horse, and what do you do? You do the very thing the court told you not to do. And you persist in doing it, even when Alan Borovoy of the Canadian Civil Liberties Association wrote to you shortly after first reading, within days, saying, "You can't do that. That's exactly what the court told you not to do." The government was dragged kicking and screaming into 21st century, and then, as quickly, flipped back into the 19th century.

So I tell you, your bill is seriously, fatally flawed. Not only did you include section 7, the approval section, the prior restraint section, the censorship section, but Minister, in your own comments last night, you were very clear. You were almost proud. You didn't just acknowledge that section 7 was in the bill but you indicate that it's there for the very reason it appears to be there. The minister said, "The provincial government should continue to exercise some approval powers"—that means censorship, prior restraint—"over adult sex films." Please. Adult sex films? They're sex films, OK? You're talking about erotica, I presume—dirty movies, porno.

1550

Interjection.

Mr. Kormos: That's right.

Think about this. I told you last night that I had consulted with some of my experts. I had called up Spencer

Brown and his sister Nicole Brown, and then I called their cousins Nicholas Losier-Brown and Joshua Losier-Brown—the latter two are preschoolers—because I wanted to know what sorts of movies they were watching. I learned about Bob the Builder movies. I learned not just about Bob the Builder, but there was also Dora. Then I learned about SpongeBob SquarePants.

This government, in the year 2005, is going to compel the people who make the Bob the Builder movies to submit their movies so that scarce staff over at the Ministry of Consumer and Business Services, at \$4.20 a minute, can sit there viewing Bob the Builder to determine that there's nothing inappropriate for the kids who are going to be watching it. The people who make SpongeBob SquarePants movies are going to have to submit their movies to be viewed and reviewed at \$4.20 a minute to make sure that they're not offensive to any particular age group or portion of the community.

The purpose of classification, understand, isn't a matter of determining what's offensive. Let's take a look at Manitoba. Manitoba understood that censorship was not in the provincial realm back in the 1970s. They haven't censored movies in Manitoba since the 1970s.

Indeed, there are any number of movies that are so clearly not wanting for any preview that they're exempt; for instance, how-to movies. Not Bob the Builder, but Bob Vila the drywaller. It doesn't have to be submitted for classification purposes. It's pretty apparent. Who knows what turns people on? There may be the occasional drywalling scene that some people find very exciting. Far be it from me to tell people what to watch or why to watch it.

In Manitoba, there's a common-sense approach to how-to films—how to drywall, how to paint, how to build kitchen cupboards, how to cultivate flowers and plants and things like that. You know the kinds of movies—exercise movies. Richard Simmons, I suppose, is pretty risqué to some folks out there. But exercise movies are exempt from the need to be submitted for classification in Manitoba, because it's a matter of—please. Manitoba understands, as this province had better understand if its legislation is going to be upheld, that the classification is nothing less and nothing more than the nutritional label on the Campbell's soup can.

Do you understand what I'm saying? People who are inclined go to the nutritional label to find out whether it's high fat, low fat, high cholesterol, low cholesterol, low salt, regular salt, what have you. It's a guide. It's not going to tell you what the soup tastes like, but it's a reasonable reference.

I submit to you that what people in this province want is some direction, some guidance about what is in a particular film, which includes video games for the purpose of the definition here.

Now, that takes us to kids. This government somehow wants to pretend that this bill is going to prevent younger persons from coming into possession of material, especially in the case of video games, that some people are going to say young people should not have access to.

You remember just before Christmas, the well-publicized case of a new release of a video game—and apparently it's the trend; I've never seen or done a video game—that has high levels of virtual participation, with violence and things like that. We read about it. One of the TV networks here in Toronto sent out a broadcaster's son, who was underage, to any number of well-known retail outlets, and they had the secret camera, the 60 Minutes sort of stuff, you know? The kid was able to buy the video in any number of places and any number of places said, "No, we're sorry. We won't sell this video game to people under 16, under 17, under 18."

But the whole futility of that exercise, which isn't addressed in the legislation and isn't addressed by the government but which was very much addressed by the court in the Glad Day Bookshop decision, and in particular in the portion of Judge Juriansz's comments wherein he talked about the fact that a whole lot of this stuff, the video content itself, isn't obtained from a retail shop—Judge Juriansz says, "While there was no evidence on the point, I take judicial notice of the ability of Ontario residents to download videos from the Internet, and to view and record films and videos broadcast on cable, pay and digital channels. Such videos and films are not subject to the board's review" for any purpose, including classification.

Hon. Jim Watson (Minister of Consumer and Business Services): On a point of order, Mr. Speaker: I would just like to welcome the new Speaker, the member from Beaches. This is his first day in the Chair, and we wish him well.

The Acting Speaker (Mr. Michael Prue): Thank you.

Mr. Kormos: The government is oblivious to the reality of how people, consumers, access video and video game content. Even its classification powers have been eroded by the advent of technology to the point where it becomes moot, irrelevant. Nothing about this bill could ever begin to replace the need for parental supervision of what their kids view, be it on the television set, on the DVD player, what they listen to on the CD player or what they download on the Internet.

I talked to you about my consultants, in particular Spencer Brown and Nicole Brown, a little older than their cousins, Joshua Losier-Brown and Nicholas Losier-Brown. Trust me: Spencer, underage by a long shot, could access anything your heart or, God bless his pubescent soul, his heart might desire on the Internet. So it is not a matter of this government protecting him—because it can't—from undesirable content or material. It is, quite frankly, a matter of his parent or parents exercising that role. There's simply an incredible vacuum. The state can't do it. If it was only a matter of it being impractical 20 years ago, technology has made it impossible now.

1600

The vast majority of Ontarians—Ontario's adults—do not want to be told by this government or any other government what they can watch, what they can read,

what they can eat or the kind of pet they can own. I believe that. Most Ontarians are responsible people. I've heard from time to time—a rare time—even members of this Liberal government acknowledge it. Unfortunately, most of the time the government tends to be condescending and paternalistic. It wants to control people's lives, tinker with them. Health care will go to hell in a hand-basket, education is sliding down that slippery slope, but, oh, this government is obsessed with controlling the minutiae: Is it or is it not going to ban sushi? Is it or is it not going to ban the nanny dog from Britain, the Staffordshire terrier?

The nanny dog: the dog for which there has never been a recorded bite, the dog that's rated by the Canadian Kennel Club, the American Kennel Club and the United Kennel Club of Britain as the single most desirable dog to have with children, the Staffordshire terrier. The government has got legislation telling folks, telling people, telling good Ontarians, telling hard-working Ontarians, telling taxpaying Ontarians, telling responsible Ontarians that, oh, the Attorney General threw a dart, and it landed on—it's like those carnival games where you take out as many balloons as you can and you take home a kewpie doll.

I had a group of students here—I've only got five minutes left, and I want to tell you this. I had a group of grade 6 students here the other day from Monsignor Clancy school down in Thorold. They were broken up into two groups, and I commended their teachers and parents for coming, because they came to Toronto overnight; those are courageous parents and teachers. They brought the Monsignor Clancy grade 6 students from Thorold to Queen's Park because I had visited them last year. Grade 5 is when they do physics—

Interjection.

Mr. Kormos: Civics. Physics too, I'm sure, but civics, as you do, grade 5 students and then grade 10 students. So the young people, the students, are here with their parents and their teachers, and the person who takes people on tours through the assembly is here. We weren't sitting, so the young people were able to come into the chamber. The guide is trying to explain, "Here is the government side, here is the opposition side and there is the Speaker's chair," and then trying to explain the role of the Speaker, Speaker. She talked about the Speaker as a referee and then wanted to explain how the Speaker enforces the rules and was trying to explain unparliamentary language. So this tour guide said, "What's the worst thing that a member can call another member in the House?" One little kid puts his hand up, and he's bouncing like kids do in grade 6. And she says, "Yes?" He says, "A Liberal?" This is the honest truth. The kid says, "A Liberal?" I, of course, darned near bust a gut, right? The kid's teacher was attempting to suppress a grin—a little bit of pride, perhaps. Just a thing that happened.

You know, take a look at Judge Juriansz' ruling, because, among other things, he talks about the history of censorship, either direct or under the guise of classi-

fication. He talks about how in 1940, the biggest concern of the board was propaganda films. Any footage of riots or strikes—this is in Ontario—was immediately excised from newsreels, and no film involving communist propaganda was ever approved. Other subjects disturbing the board included horror, kissing—not blatant sucking up like we saw a little while ago, but kissing, the little peck on the cheek. Kissing.

Mr. Tim Hudak (Erie-Lincoln): To a communist.

Mr. Kormos: Kissing communists, perhaps, would aggravate the scenario, or two communists kissing, I don't know.

Dancing: This is the 1940s. It was within the lifetime of more than a few people here. In the 1940s in Ontario, the film review board was concerned with kissing, dancing, and religious propaganda.

Now, catch this. With the outbreak of World War II, rules became even more restrictive. What were people watching at the movies? Tell me, Speaker, as a child during World War II, what were people watching? Were they doing the hand shadow things? What if the hand shadow things were kissing?

Look, Ontarians are sophisticated, they are worldly, they are hard-working, and they do not want their government telling them what to read, what to watch, what movies to see, what music to listen to, what plays and theatrical productions to attend, what concerts to attend. What they want is for this government to give them reasonable guidance—and I say that Manitoba is as good a model as any—about the content of video and video game disks, about which they might otherwise be unaware, and I'm not talking about Bob the Builder or SpongeBob SquarePants or Nora or Dora the Mermaid, whatever that one happens to be.

This minister screwed up again. This minister, who is known throughout the province now as the vacuous mountebank of the cabinet—across the province, that's what people are calling Mr. Watson. Here we are, he doesn't fail to meet expectations. Almost a year later, he hasn't got it right.

I say to the minister, because part of me likes you, I'm told that you can apply to the court for an extension. I'm told that Judge Juriansz has jurisdiction to give you another three months. Why don't you go before that court, grovel and do it right this time?

The Acting Speaker: Questions and comments?

Hon. Mr. Watson: I would point out that one of the blessings of being in this portfolio is that there are so many of my predecessors in the chamber. In fact, just last week—the members for Lincoln and Niagara Centre will be pleased—we hung all the former ministers in our boardroom. So every day I go in there and I'm inspired by some of these great former ministers, including our current finance minister and our public safety minister.

I just want to point out a couple of items. This legislation responds to the Glad Day Bookshops ruling. I have great confidence in the staff at consumer and business services and the Ministry of Attorney General. It responds by significantly narrowing the Ontario Film

Review Board's authority to censor films. The OFRB's role in providing useful film classification information is still in existence.

I quote from the Toronto Star, from May 2004. A little more than a decade ago, Marilyn Churley, one of my predecessors, on her first day as provincial consumer affairs minister, opined that sexually explicit films and videos were harmful to women and children. So I'd ask the honourable member for Niagara to talk to his colleague from Toronto-Danforth.

I'd also quote Eleanor Kingston, a former educator and member of the OFRB: "I feel there is a definite and vital need for government involvement for the classification of films in this province. The well-being of young people should be a major priority for everyone. Parents need a readily available and reliable source of information relating to the films which their children may view."

Doug Frith, from the Canadian Motion Picture Distributors Association: "The legislation is very progressive and meets the needs of Ontario's film distributors by setting out a framework that is harmonized with national standards."

So this is the intent of this legislation. I know that my friends in Conservative Party are supportive and my hope is that the NDP will see the light, the importance of this particular legislation.

1610

The Acting Speaker: Questions and comments?

Mr. Jim Flaherty (Whitby-Ajax): My colleague Mr. Kormos has talked about the reasons of the judge, who was a trial judge of the Superior Court and is now a judge of the Ontario Court of Appeal. They are important reasons. It is the decision of a single judge. It should have been appealed by the government. They should have gotten the opinion of the Ontario Court of Appeal and perhaps should have gotten the opinion of the Supreme Court of Canada before bringing legislation to this place, because we need that dialogue between the courts and the Legislatures, with respect to which the judges in the higher courts in this country have spoken frequently.

The existing requirement was that all films be submitted under the Theatres Act starting in 1911 in Ontario. That was an important provision, because there is a limit to what ought to be shown in the province, I say to the minister. It isn't just about classifications. There is something called the public good. There is the duty of government to protect children; there is the function of the government in loco parentis to stand in the place of parents who fail to exercise their obligation to protect their children from seeing things they ought not to see. The regulation provided, for example, that you couldn't show a movie with a scene where a person who is or is intended to represent a person under the age of 18 years appears nude or partially nude in a sexually suggestive context or in a scene of explicit sexual activity.

I think that's the standard in Ontario. I think we actually believe in that in the province of Ontario, that that kind of product should be censored. And we should

have a government that would have the nerve to bring forward a proper bill that would say, "Yes, that kind of activity, depicted in a video or in a DVD or a movie or wherever, ought not to be shown in the province of Ontario."

It's for those reasons—and if you look at the other provisions of the regulation that I commend to the minister, the history of the province of Ontario over most of the 20th century is one where very few films were censored, but the ones that were, quite frankly, ought to have been.

Mr. Kevin Daniel Flynn (Oakville): It's a pleasure to join the debate after hearing other members speak prior to me.

I tend to try to look at legislation or proposed legislation, as this is, as the parent of a child, as a member of a family. It seems to me that it would be reasonable for parents to expect that their government would provide in some way a guideline or some sort of classification so that when they went out to make a choice—either to buy a movie for their child to watch or to rent or buy a video game for their child—there would be some sort of classification system that they would be able to avail themselves of that would allow them to make that choice and provide a type of entertainment for their child that is in keeping with the views that I think would be reasonable views of the majority of people in Ontario.

My understanding is that this proposed legislation, if passed, the Film Classification Act, 2005, would bring the film classification and approval system within the province of Ontario in line with the ruling of the Ontario Superior Court of Justice. It also will allow the expansion of the definition of "film" to allow for the regulation of video games and new types of visual media that have arisen as a result of technological improvements. It seems to me that's a sensible thing to do. For the business community, it's going to streamline the licensing requirements that they have to undertake in order to comply. It also brings into harmony our system here in Ontario with the rest of our country and streamlines the power of the Ontario Film Review Board to refuse and prohibit adult sex films containing scenes that are in contravention of the Criminal Code.

To me, as a parent, this makes sense and this is something that should be supported. It's a practical way of dealing with this, and I think it's a sensible way of dealing with it.

The Acting Speaker: Further questions and comments? Seeing none, the member from Niagara Centre has two minutes to respond.

Mr. Kormos: Look, the problem is that the bill doesn't protect young people from accessing inappropriate material, because the vast majority of access is, amongst other things, through the Internet, and nothing that's distributed or downloaded through the Internet is subject to what are mere classification powers. So let's not deceive ourselves about what the bill does and doesn't do. Let's not pretend it protects kids from adult content material—in no way, shape or form.

We in the NDP, of course, agree, and I've referred you to the Manitoba model over and over again, that the government should be classifying films, but the government's film classification regime should not be taken to the point of absurdity. There are any number of films that obviously warrant classification so that the consumer of that film can be aware of and get a general idea of what the content is. Quite frankly, the film industry itself does that to a large extent. The need for uniformity is not in dispute. But give me a break. Don't think for a minute that a big XXX on the front of a video package is going to deter a young person from watching it; in fact, it will be like the backyard bulb to moths.

The problem is that it's the Criminal Code that outlaws content, content that exceeds the standard for what's obscene—again, no quarrel with that. I say that a few more resources given to our cops so they can deal with things like child porn, Internet porn, tracking down people who are breaking the Criminal Code, and abusing and exploiting and endangering kids in the course of doing it, would be energy far better spent.

So I say to the minister, I'm eager to see what he does by way of amendment come committee hearings, especially with respect to section 7 in total contravention of the ruling of Judge Juriansz.

The Acting Speaker: Further speakers?

Mr. Hudak: I'm pleased to rise to participate in the debate on this initiative from the Ministry of Consumer and Business Services, and to join in the comments of my colleagues.

By the way, congratulations to you, Mr. Speaker. It's very suiting, a place there in the chair and the apparel, reminiscent of his time as the mayor of East York, as we recall. I know this new Speaker will do an outstanding job, having seen him at work in committee and in this chamber.

Before I get into the content of the legislation, I need to point out—what's a good way of saying it?—the artifice of this session of the Legislature, one of the conceits of what the government has said they called this session for. I remember the news clippings from just a couple days ago, where the government, the McGuinty Liberals, said it was important to have this urgent and relatively rare session of the Legislature in February to deal with the urgent priorities of the province, to which I would respond, instinctively, fair enough. We would look forward to that opportunity to debate the urgent needs of the province and participate and help solve some of those problems. I think the average person listening on the radio or seeing that on television or in their newspaper would react the same way.

The next sentence that came up I found rather curious. That was that the priorities of the McGuinty Liberals included the banning of pit bulls and the film classification system in Ontario. Maybe my riding is an outlier, but I know that if I'm walking around Erie-Lincoln and I'm in Port Colborne or County Fair Mall in Fort Erie or on Ontario Street in Beamsville, film classification and the banning of pit bulls certainly don't reflect the prior-

ities of the constituents of Erie–Lincoln. In fact, I doubt one person in Dunnville would be aware of what the government would call a pressing priority: to alter the film classification system in the province.

I would have expected one of the lead items in the Legislature to have been improving health care in Ontario, bringing more doctors to underserved areas like Sudbury or Nickel Belt or Port Colborne or Fort Erie. I thought that would be at the top of the government's agenda. One I'd look forward to participating in would be the LHINs, these new regional health bureaucracies the government is bringing in, which fold in Niagara's priorities with those of Hamilton, Haldimand, Norfolk and Brant in one supersized regional health bureaucracy, which is supersized and doubly worse for your health if you come from Niagara.

But instead, for the first two days of this session, two days in a row, the Legislature has been called upon to debate the urgent and pressing priority for the McGuinty Liberals, the Film Classification Act, 2005, Bill 158, not health care, not education, not the pressing fiscal crisis of the government when they talk about backing away from one of their last promises still standing—actually, they broke that promise—to balance the books. They changed it to eventually balancing the books during their mandate, and are now abandoning that promise altogether.

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So I do want to remark at the outset that the sense of priorities of the McGuinty Liberal government here even before their mid-term seems greatly at odds with those of the people of Erie–Lincoln. I think it's true. When I see those press releases that prioritize the film classification system and banning pit bulls as priorities in the province of Ontario, it simply does not reflect those of the constituents of Erie–Lincoln or, I'd argue, the province as a whole.

Mr. Kormos: Dirty movies and pit bulls.

Mr. Hudak: Certainly there's something prurient, I would guess, about classification of dirty movies. That's maybe one of these channel changers, I suppose. I guess there's one lesson to be learned, that if you want to effectively change the channel, you could talk, I suppose, about X-rated films, alcohol changes—always an effective measure by this government to change the channel when they get into trouble. They call it a channel changer.

I recall that this very same ministry, consumer and business services, brought forward an initiative which I support. I think it's a good initiative and hopefully it will help some aspects of the hospitality industry and support some consumers, but I don't think it's a major issue to champion as a major accomplishment of the government. I suppose if there's very little to champion, then bring-your-own-bottle would be one that they would put out there. But I would say—

Interjection.

Mr. Hudak: No, no. I think that was used—I say with respect to my colleagues across the House, when the finance minister was in a lot of trouble over the scandal

around Royal Group Technologies, suddenly, the next day, bringing alcohol to a restaurant became the top priority of the government. It worked. It changed the channel; it consumed media focus for several days thereafter and, I think, relieved the Minister of Finance of some of the pressure he was feeling from this cloud that was surrounding him due to the Royal Group Technologies controversy. I wonder if talking about rating adult films, for example, is another way of changing the channel.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): What did the Integrity Commissioner say about that?

Mr. Hudak: I'm not sure. I think, though, in his heart of hearts the Integrity Commissioner would agree that bring-your-own-bottle or film classification would not meet with the priorities in the province of Ontario. I'm not sure if that's what the member meant by his question about what the commissioner would say, but I'll bet he agrees with me.

My colleagues have spoken quite well about the bill. At the same time, I think we have to be realistic. A lot of the inputs, a lot of the exposure to different types of entertainment, will be beyond the abilities of this legislation, whatever licensing system is set up under the bill, whatever inspection regime is brought forward. The vast majority of access of minors to entertainment will likely be through the Internet, and also video games. In fact, some recent video games that I'm trying to remember—Grand Theft Auto: San Andreas is one game; Doom, I believe, is another; and the third, which came out around Christmas, is slipping my mind.

Hon. Mr. Watson: Manhunt.

Mr. Hudak: I know Manhunt is particularly violent. I thank the minister for that. There was another one. It was a huge launch and tremendously successful—I think it was an Xbox game—around Christmastime.

Mr. Kormos: Britney Spears.

Mr. Hudak: No, no. It was a video game.

Mr. Gerry Martiniuk (Cambridge): Halo 2.

Mr. Hudak: Halo 2. Thank you very much to my colleague and the caucus reigning champion on Halo 1 and Halo 2. I think that's the title he has earned from his video game prowess. At any rate, it's Halo 2. It was a tremendous launch, and I think had more revenue, a higher rate of return from its sales, and left all of the movies behind, some \$200 million in revenues. I'm probably a little bit wrong; I'm doing this by recollection. But my general recollection was that it by far exceeded all of the top movies, and it was the Christmas season, so some of the top movies that a studio would put out to attract audiences heading into the Christmas season were left far behind by Halo 2.

If I understand this bill, and I'll be corrected during debate if I'm wrong, this bill doesn't do anything with respect to another access to entertainment, to images that people may object to or violence that parents may object to, through video games. Now, I don't mean to argue, and I'm not arguing, that it should. I think the key is for

parents to continue to play a stronger role in supervising what minors view or what they choose for entertainment or listen to; for example, lyrics on CDs or downloads through the Internet. What I'm saying is, I think we need to be realistic: This bill is not going to be some safeguard for parents. It's not the McGuinty government riding to the rescue in these particular areas. In fact, it will really make little difference in those particular situations.

I know the minister has worked with the industry, with retailers such as Wal-Mart, and I believe with the video game producers themselves, for a voluntary rating system. I think that's an appropriate way of addressing the issue. If you can get industry buying in, in the retail, manufacturing and marketing side, to give parents or young people some sort of guidance as to the content of a particular video game or CD, for example, I think that's an important indicator to parents as to what may or may not be appropriate, because surely they cannot spend 24 hours a day tracking through the streets of Vice City under Grand Theft Auto: Vice City. I do encourage the minister and this government to continue working with industry, with the marketing side, the manufacturing side and the distribution outlets, for those types of signals to parents, those types of safeguards. Listening to some of the rhetoric from across the floor, we need to be realistic that this legislation does not enter those particular fields.

I'm not clear exactly, and I look forward to hearing more debate, about the licensing regime this brings in.

Mr. Kormos: Another tax grab.

Mr. Hudak: My colleague from Niagara Centre suggests it's another tax grab. Far be it from me to expect that the McGuinty Liberal government would bring in another tax grab. But—fool me once, shame on me; fool me twice, shame on you—it just may be, with another budget coming forward.

Hon. Mr. Watson: You're a poet.

Mr. Hudak: Well, I don't know. Maybe I am. I'm not going to say, "I didn't know it" or that kind of stuff. I'll leave that out.

But there is good cause for suspicion that a new licensing regime may simply be a backdoor tax grab. I know the Ministry of Consumer and Business Services is looking at ways of cost reduction, and perhaps of raising new revenue. One thing that I have objected to, and that my colleague and neighbour has objected to, is closing down the land registry office in Welland, which services south Niagara, serves a particular francophone community and serves a particular legal community, and moving those services to St. Catharines, further away.

Mr. Kormos: They're going to court on that too.

Mr. Hudak: As the member from Niagara Centre correctly says, they're going to go to court to challenge this particular decision. I don't remember that being on the table before.

My argument would be that if the ministry were motivated to take a risk at a court challenge to closing down one land registry office, and perhaps even lose all the potential savings through court costs and then maybe even backtrack on the decision, I wouldn't be surprised if

fee increases would be part of the next budget, whether they're for licences to sell videos or for birth certificates or death certificates. We'll need to watch closely to make sure that any fees are for the cost of a service and not simply a backdoor revenue grab by a government that seems to have no control on spending and is desperate for new revenue sources. In fact, I would suggest that is really what has motivated Dalton McGuinty's sudden turn against his federal cousins in Ottawa.

I certainly remember, not too long ago in Niagara-on-the-Lake at the first ministers' conference, that he basically acted as head waiter to Paul Martin and the federal forces. He was the errand boy and couldn't do enough to be a cheerleader for Paul Martin and fiscal federalism and supporting the initiatives of the federal Liberal government. I remember about a year-plus ago that the McGuinty government crowed about a SARS package that was an embarrassment. It was nowhere near what funding should have been allocated for Ontarians, for our health care system, for our front-line health care workers who were heroes in fighting SARS. The amount of funding that came for crisis relief from the federal government that this provincial McGuinty government accepted was shameful. At the same time, he boasted about it and talked about the new era of co-operation, which I guess means to allow the federal government to walk all over the provincial government.

No wonder Paul Martin is not taking Dalton's newest cries seriously: He was saying quite the opposite just months ago. If you bargain from a position of weakness, you're not going to get very far. Jean Chrétien ran the table with him in the SARS relief package, and Paul Martin ran the table with him in the federal meetings in Niagara-on-the-Lake not too long ago.

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I think there is occasion for concern that a new licensing system will simply be a grab at revenue. I'm not sure exactly what the licensing system intends to get at. It's a classification system. It will give indications, as I mentioned before, of what may or may not be appropriate for certain age groups, or the types of content, be they based on sexual concerns, violence concerns or language. So that will be in place. But I'm not quite sure, and I remain to be convinced by the debate, what a new licensing system hopes to accomplish, other than perhaps an exercise that the government can claim it's doing something when I doubt it will have any muscle behind it at all, aside from a bit of bicep, I suppose, to grab more licensing revenue.

I guess on an attach, I may as well raise this while I'm on the topic of licensing fees. I think there is a concern when they talk about the new deal for the city of Toronto. It will be interesting to see what that deal will encompass. If it's new powers or quicker decision-making, then they are worthy changes. But I worry that what they really mean by a new deal will be a raw deal for taxpayers. It will be interesting to see if there is a new business licensing regime, for example, that the government brings in for the city. I would have a concern,

particularly on behalf of small businesses in the city of Toronto, if that would simply turn into a revenue source. I think the changes we had brought about would ensure that licensing fees were in response to services rendered, that it would be—

Mrs. Julia Munro (York North): Revenue neutral?

Mr. Hudak: Yes, sure. I've lost the word—a cost recovery initiative rather than a form of a fee or tax hike. So it will be interesting to see if what may be secretly part of Bill 158 will be part of the general government theme come budget time this spring to raise licensing fees as a tax grab across the board and not simply through Bill 158.

I can't help but add a light note or two as I get closer to the concluding part of my remarks on film classification. If the classifiers are sitting back today and making their own Academy Awards, I wonder what award they would give Dalton McGuinty for his performance. What would be the most appropriate film as an analogy for the government today?

Mr. Kormos: Bad Lieutenant.

Mr. Hudak: That's pretty rough. I don't see him that same way, as Bad Lieutenant, which I saw.

Mr. Kormos: Last Tango in Paris.

Mr. Hudak: I'm being distracted. They're funny enough, but I'm being distracted. I think my colleague had mentioned, when he was speaking in the House, that famous Jim Carrey movie. I forget the name of the title. It was one word twice. It dealt with somebody who had trouble telling the truth.

Mr. Kormos: Prevaricator Prevaricator.

Mr. Hudak: Well, I don't know. The Speaker is eyeing me. I better be careful. The Speaker may remember it, because I think I see the edge of a smile coming across his face. Maybe the movie my colleague is mentioning—

Mr. Kormos: Liar Liar. That's the name of it.

Mr. Hudak: That may be the name of the movie. I don't know if—

Mr. Kormos: You're thinking of Liar Liar. Jim Carrey, Liar Liar.

The Acting Speaker: You know the rules quite well. You've not actually said it but you're coming perilously close.

Mr. Hudak: Thank you, Mr. Speaker. I appreciate you reminding me of some of the rules in the Legislature.

Of course, there is the famous Disney movie about that puppet with the nose. What was that one, I ask the Minister of Consumer and Business Services? There is that Geppetto character in that one. And what was that cricket's name? Jiminy Cricket, if I recall. There was another character whose name started with—that may be an example of a film that one could say is a bit of an allegory for Dalton McGuinty's time—

Interjection.

Mr. Hudak: I'm sorry? Something like that. You remember the movie. I think the member from Ancaster—Dundas—Flamborough—Aldershot remembers the movie of which I speak, which one could say would give some

indication—hopefully a life lesson—of what we've seen to date of the Dalton McGuinty government.

Mr. McMeekin: You remember that Tory film, *Gone With the Wind*?

Mr. Hudak: I do fondly remember the days of many of the PC governments as types of classics like *Gone with the Wind*, and certainly award winners. Despite the fact that Jim Carrey is a talented actor, a good comedian, I think the movie of which I speak was not an award winner.

Mr. Kormos: He was in the movie *Liar Liar*, wasn't he?

Mr. Hudak: I think he may have starred in such.

Anyway, those are just two examples of what the new film classification system may have to rate, those two movies, which may also give them pause to think, "There are a lot of things in this plot line or some of the characters that remind us of the first 18 months of the Dalton McGuinty government."

I want to comment once again on the context of this legislation. I think the problem is that when a government throws out its campaign promises, it loses its compass. Governments like that end up in places where you don't expect or don't want them to be. Certainly, 18 months ago nobody would have expected that one of the prime movers of the government would be to ban the nanny dog, the Staffordshire terrier, the pit bull.

I don't think anybody voting in September 2003 would have contemplated that the banning of sushi would become a government initiative, nor do I think people would have thought much emphasis would have been put on patting down your son or daughter when you sent them off to school to make sure they didn't have a contraband Snickers bar in their pocket as they set off. You would have thought it would have been more about textbooks for the classroom, about investments in the schools, about raising the quality of education to enable stronger opportunities when those children enter the workforce, but instead, the preoccupation with junk food and making sure we don't take that Snickers bar.

Last, and I never would have contemplated it, picking on the poor trillium. Dalton McGuinty was going to be a force for change, revved up when he got back from Davos, and my goodness, he was going to take on that trillium. Thankfully, in the face of flower power, the Premier once again backed down.

The Acting Speaker: Questions and comments?

Mr. Kormos: We down in the Niagara region, walking along the Niagara River, grew up thinking you couldn't pick the trillium, and here the Premier wants to bulldoze over them. Think about it.

The member from Erie—Lincoln has talked very adequately about the diversionary politics, the diversionary style of this government. You've got a bill here which, to be fair to the government, the government had no intention of ever introducing. It was forced to introduce it; it was compelled to, because they got their butt whipped in court. Make no mistake about it. The problem is that the bill they present today does not comply with

the ruling of the court. It invites yet more challenges, more litigation and inevitable loss on the part of the government, because the government persists in including section 7 and the minister persists in indicating that the government is retaining censorship powers, somehow trying to wrap himself in section 163 of the Criminal Code, not understanding that section 163 of the Criminal Code speaks for exactly what it speaks for: If there is a movie out there or if there is a video game that violates the Criminal Code, call the police.

The government would be doing far more to advance those interests by putting those 1,000 cops on the street, as they promised—another promise broken—than by passing phony legislation that somehow, they say, is going to protect your kids from inappropriate video content when it does nothing of the like, nothing whatsoever. There is nothing in this legislation or in the government's response to the ruling by Judge Juriensz in the Glad Day Bookshop decision that is going to protect your kids from inappropriate content, either at the retail level or, far more frequently and far more pervasively, through the Internet—nothing.

Mr. Tony C. Wong (Markham): I want to address specifically one aspect that the member from Erie–Lincoln and the member from Niagara Centre have addressed, and that relates to the protection of our children. Yes, this bill certainly speaks to protection of our children. The member from Erie–Lincoln talked about the preoccupation—that is the word he used—with junk food by our government. Sure enough, we consider junk food to be extremely detrimental to our children's health. Not only that, but I was in my own riding with respect to a certain announcement for our program, Active 2010, and that relates to physical exercise for our residents as well as youth. Yes, we consider the health of our children and exercise to be extremely important. Just by way of numbers, it's costing us \$1.8 billion because residents do not get enough exercise and it's costing us another \$1.6 billion because of obesity in schools. Yes, we will also be proceeding with legislation pertaining to TCM, traditional Chinese medicine, so that our residents can remain healthy.

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With respect to the protection of our children, in this bill we are modernizing Ontario's film classification system, and this directly impacts on the protection aspect. I'm proud to announce that with this bill, we not only comply with the decision of the court in the Glad Day Bookshop case, but we were also commended by the Retail Council of Canada. Mr. Doug DeRabbie, director of government relations, said, "This legislation reflects this government's belief that when it comes to protecting our children from access to video game material that is inappropriate for their age, the first and best line of defence is parental education."

Mrs. Munro: I think what's really important when we consider the comments that have been made by the member for Erie–Lincoln is the fact that we are initially looking at a bill that responds to a court case. Listening

to the member and the analysis that he has provided us with has allowed us to look at this from the perspective that classification and that kind of protection continue.

The question about just how far this goes, I think, is one that there will be further debate on. Because it becomes quite clear that there is some language in this bill that, while the minister purports to be merely a response, in fact, is questionable, whether it is following the intent of the original case, or whether or not it is in fact protecting our children. It would seem that under classification, it is simply continuing its business as it was before.

Mr. Howard Hampton (Kenora–Rainy River): I had the opportunity to listen to the member from Erie–Lincoln's comments, and they certainly were wide-ranging comments at that. But I know it's hard to control yourself when you get the opportunity to let it go.

I merely want to say that, while I don't agree with all of the comments that he made, I think they are quite relevant to the debate and the broader debate that is happening right now in Ontario society. I would actually call on the government to respond to some of his comments and some of the comments made earlier by my colleague from Niagara Centre, who have both pointed out that this proposed legislation really will not do what the government wants to advertise it as doing. What the government advertises it as doing—protecting children—isn't done here and won't be done here. The most this legislation can do within legal authority is simply classify film so that a would-be consumer of a video or film will know a little bit more about what is in the film.

But in terms of protecting children, this legislation falls far short. In fact, there are all kinds of things out there now on the Internet, all kinds of film and information in compact discs that will never see the light of this legislation and will never see the light of any of the machinery that is supposed to operate under this legislation. So I would hope the government would be clear on that.

The Acting Speaker: The member for Erie–Lincoln has two minutes to respond.

Mr. Hudak: I thank my colleagues for their comments on my remarks. I think you've heard, with the exception of the member from Markham, a pretty consistent theme. The government should just say what this bill really is: It's simply tweaking the classification system of the province of Ontario via the court decision, surrendering rights to censor, and having a classification system with some licensing system in there that I fear will be a tax grab for those who distribute videos. Just be honest and say that's what it is and be done with it. To dress it up, to gussy it up and say it's about protecting children—well, in fact, it's probably the opposite. By eliminating the censorship function, that role is no longer played.

You can have the debate on whether that's an appropriate investment of resources in today's day and age, but be honest about it as simply tweaking the classification system. It's pretty much the status quo, with the ex-

ception of the censorship role, so you cannot possibly argue in any way that this increases protection for children. It simply is a response to a court decision.

My colleague from Markham was the outlaw in the short debate there. He said that they're doing this to protect children, which I just commented I think is the opposite. He talked about it in the same context with respect to Snickers bars, and why it's important to pat down kids when they enter the schools to make sure there are no Snickers bars coming across the school lines.

But in reality, if the government were truly committed, certainly investing in Fabry's would help out people in Ontario. It would help actually do something about personal safety for the children in those families. It makes no sense to continue this ongoing fight and besmirch doctors in the province of Ontario. I don't see how that contributes to children's well-being and safety. Certainly the underfunding of our hospital system has the opposite effect this government claims it's having. So I just wish they would say what this bill is about, and please, please don't pretend that banning pit bulls or film censorship anywhere meets the priorities of hard-working taxpayers in the province of Ontario.

The Acting Speaker: Further speakers?

Mr. Hampton: I want to make some general comments. I listened with interest the other day when the government House leader tried to say to the media that, oh, the Legislature is coming back in February to debate legislation that is of absolutely the utmost importance. He sounded as if this were the urgency of all urgencies, that this was a government that was very busy and had such incredible priorities. That was the spin that was put out.

Now we have this legislation, and the government's tried to put out some spin around this legislation too. Namely, the spin that they are trying to put out is that somehow this legislation will exercise control over what videos, what films, what compact discs that contain videos—which ones are shown in Ontario. Let's be clear: That's censorship. When the government of Ontario tries to say, "You can't show that video in Ontario," or "You can't show that film in Ontario," that's censorship. In the court case which led to the government's having to bring in this new legislation, the judge said it is outside the powers of the province to exercise censorship.

Only the federal government, through the Criminal Code, can exercise censorship. Only the federal government can say, "This film, this video, is not allowed to be shown because A, B, C, D." The province can't do that. So I wish the government would just be a little more clear about that, that you can't exercise censorship through this legislation.

The whole reason that we're here is because the appeal judge said in his judgment that the former Theatres Act, the old Theatres Act in Ontario, because it attempted to exercise censorship, was unconstitutional, and he basically threw out those sections. That's why we're here.

So don't pretend, don't try to advertise to the people of Ontario that you're able to do something here that the

Criminal Code, the Charter of Rights and the judge in the instant case said you can't do. Be straight with people. You do not have the legal capacity, the constitutional capacity, to say that a film can or cannot be shown in Ontario. The only capacity the province has is to classify. The province can classify a film as an adult film or as a film that should be parental guidance. You can classify a film in terms of the character of some of the incidents, so that somebody going to a video shop would see what's involved in the film or video by looking at the classification information. But you don't have the authority to say, "This video, this film, this DVD, cannot be shown." You don't have the power, so give up trying to say that to the people of Ontario.

1650

In terms of the classification system itself—again, I think you need to be clear with the people of Ontario—the legislation doesn't provide a lot of information. All the legislation says is:

"The Lieutenant Governor in Council may, by regulation,

"(a) prescribe a classification scheme that shall be used for classifying film in one or more categories of film;

"(b) designate a person or body to review and classify films in one or more categories of film using a classification scheme prescribed under clause (a);

"(c) prescribe criteria, if any, that a person or body designated under clause (b) shall use in classifying film;

"(d) designate a person or body to hear an appeal of a classification decision made by a person or body designated under clause (b);

"(e) designate a person or body to reconsider a classification decision made by a person or body designated under clause (b) or (d) when the director is of the opinion that the classification should be reconsidered."

In that sense, there's not really much meat in the legislation. Most of this will happen by regulation. So we're not even in a situation here where we can look at the proposed classification system and make some kind of decision as to whether this is going to address the needs of people in Ontario. Frankly, I think that's a failure of the legislation. If the people of Ontario knew that all this Legislature can do is classify, I think they would want legislators to have some sense of what the proposed classification system will look like and what the criteria are, so that could be subject to political debate and public debate. Unfortunately, we will not have that opportunity, and I think that's a problem.

I wish the government would stop the media spin and stop trying to pretend that this is the most urgent of urgent legislation, absolutely crucial legislation. Stop the media spin that somehow this is about protecting children; it's not.

This is pretty bare-bones legislation when you don't even have the opportunity to look at the criteria for the proposed classification system or look at the classifications themselves. This is pretty dry stuff.

I want to refer to some of the comments that my colleague Mr. Kormos made on this issue.

If the government is truly interested in modernizing film classification in the province, I suggest that the McGuinty government look at what Manitoba is doing. Manitoba doesn't require every video—for example, children's videos—to be reviewed by the film classification board. They recognize that there are all kinds of children's videos and children's books and so on that, frankly, don't need to be reviewed by a film review board or a film classification board. In fact, Manitoba simply says, "If your video or your film has any of these things—obscene language, subject matters like death or physical violence etc.—then, and only then, do you need to submit your film or your video for classification." In other words, it says to the makers of videos, the makers of films, "If you're simply making children's videos, you don't have to bring them before the film classification board. But if you're dealing with death, if you're dealing with violence, if you're dealing unduly with obscene language or with activities or things which otherwise might be considered obscene, then you have to submit it for review." It seems to me that would be a much more efficient way of doing this, and a much better use of people's time as well.

I have young kids. If children's work doesn't have to be submitted for review and doesn't have to pay—what's the fee?

Mr. Kormos: It's \$4.20 a minute.

Mr. Hampton: It's \$4.20 a minute to be reviewed. So imagine a child's video that runs for half an hour—Bob the Builder, I think, is the example that we used before. So if a Bob the Builder video runs for an hour and has to be reviewed under this legislation by the film classification board, that adds on to the cost for parents and for kids. For what? I think all of us know what's involved with Bob the Builder.

It seems to me that this legislation isn't about modernizing film classification and it's certainly not about protecting kids. That's outside the ambit of your legal authority. There's a lot of fee collection here. There's a lot of—they won't call it a tax, but you have to pay the fee. It reminds me of—remember the health premium? That's the new \$2.5-billion tax. When the Minister of Finance introduced it, he said it was a premium; it wasn't a tax. Then, after some labour unions read their collective agreements and said, "Well, if it's a health premium, it must be paid by the employer," suddenly the Minister of Finance changes his tune and says, "No, no, it's not a fee. It's a tax."

Let's be clear about what's going on here. This is not about protecting kids. This is not about modernizing the film classification system. This is about extracting some fee, some tax, some money. That's what's going on here. Imagine a video about Bob the Builder having to pay a couple of hundred dollars to the McGuinty government just to be reviewed. Imagine—gee, I'm trying to think of some of my son's other videos: Mickey Mouse, Donald Duck, Oliver the Elephant—all of these kids' videos

having to be submitted to the McGuinty government so you can ultimately take a fee from these kids and their parents. That's what's going on here, and don't try to fool anyone. The film classification isn't even in the legislation itself. It's not there. We can't even debate here what the classification system ought to be, what ought to be included, what the criteria are, because it's not in the legislation. So don't try to fool people.

Now, let's get to the bigger picture. I realize the difficulty you are in when you promised people that there were going to be billions for health care and billions for education and billions for municipalities and billions to clean up the environment. Then Premier McGuinty promised Louisiana-style taxes as well, or maybe I should say Mexico-style taxes. It creates the obvious contradiction. If you're going to have billions for health care and billions for education and billions to clean up the environment and billions to give to municipalities, those billions in new revenue have to come from somewhere. But if you're going to continue to have Louisiana-style taxes, there is a big gap.

What does this government propose to do to make up that gap? It's going to tax children's videos. It's going to charge huge, exorbitant fees on children's videos. Give it up. Those children's videos don't have to be examined by a film review board or a film classification board. Stop wasting my kid's quarter. Stop wasting parents' time.

1700

The way to do this, to modernize the film classification system, is to set it out the way Manitoba has set it out. If you want to make your video available, if you want to make your film available in a retail market in Ontario and it includes any of these things—obscene gestures, obscene activities, violence, death, undue exploitation of sex etc.—then it must be classified. If you try to market it without submitting it to classification, then you should be going after people for their failure to comply with the law. But don't try to take money out of the pockets of kids for kids' videos. What could be offensive about Bob the Builder? What could be offensive about Oliver the Elephant? Obviously nothing.

In line with that, let me just refer to what we have now. As to this gap you've created by promising people Louisiana-style taxes but top-of-the-line public services, top-of-the-line health services, obviously you've got to address this \$6-billion gap you've created. I marvel at the latest development here that Paul Martin, who just six months ago was the Premier's best buddy, Paul Martin, who was extending and preserving and sustaining and improving medicare for the next generation, has suddenly become the biggest welsher on the block, according to Dalton McGuinty and according to the Ontario McGuinty government. Please, that makes no more sense than trying to tax kids' videos. It makes no more sense, and I say to you, the public is going to be on to you; the public is not going to be fooled by this latest exercise.

In conclusion—and I don't want to use up all my time, because I think I've really made my point—please don't

claim to the people of Ontario that you can use this legislation to restrict what videos, what films can be shown in Ontario. The appeal judge said, "That's not on." The appeal judge said, "No province—not just Ontario, but no province—has that legal and constitutional authority. Only the federal government has that authority under the Criminal Code." So please don't try to say that.

Secondly, if, as the government House leader said, "Oh, this is absolutely urgent, the most urgent of urgent legislation," then bring something here besides bare bones. At least allow the legislators of the province, the members of the provincial Parliament, to debate what the criteria are going to be; at least give us some examples of what the different classifications might be. Then I think we would really be doing some important work. You might be surprised. Government members might be surprised by the criteria that go into the classification system and the classifications themselves. You might like to know, I say to government backbenchers.

Finally, please, please, give up the ghost of trying to go after and enforce that everybody who produces a children's video has to hand over \$200, \$300, \$400, \$500 to the McGuinty government to have their children's video reviewed. Please don't beat up on Bob the Builder; don't beat up on Oliver the Elephant. They haven't done anything to you. You can't blame them for the fiscal mess you're in. You can't blame them for the \$3.9-billion accounting shuffle that you tried to get by the Provincial Auditor, and that he is now blowing the whistle on. Leave the kids alone. Don't bother them.

I hope that during the course of this debate the government will be more forthcoming, more clear in terms of what this legislation is really all about, and stop pretending that this is going to be the be-all and end-all of protecting children from videos we might not want them to see or might not want them to have access to. This legislation won't do it. This legislation simply classifies films and videos and charges kids videos far too much money for film review. That is absolutely unnecessary.

The Acting Speaker: Questions and comments.

Ms. Caroline Di Cocco (Sarnia-Lambton): It never ceases to amaze me that the leader of the third party certainly doesn't let facts stand in the way of his speeches in the House. I say this because some people consider this legislation as a consequential change that comes about because of legal rulings. That's why this legislation is here.

This Film Classification Act, if it should pass, is to align the film classification and approval system with the ruling by the Ontario Superior Court of Justice. Maybe the members opposite do not want—

Interjections.

Ms. Di Cocco: Speaker, I hear the members opposite wanting to heckle. Maybe they don't understand that we put some weight on rulings by the Ontario Superior Court of Justice in trying to make sure that we align our legislation so that we conform with or we meet the standards that they ask us to. That is what this legislation does—simple.

There are comments from, for instance, a counsel, a Ms. Sue Lott, who is with the Public Interest Advocacy Centre. She says, "As a consumer organization, the Public Interest Advocacy Centre supports the government's initiative, through the Film Classification Act, to provide helpful information to Ontario consumers. We're also pleased that this legislation respects the Charter of Rights' important protections around freedom of expression."

Those are the facts, Speaker. Thank you.

Mr. Hudak: I commend my colleague from Kenora-Rainy River, who hit the nail on the head. I wish the government was just fully forthcoming as to what this bill really is about. It's simply a tweak in the film classification system. It's not what they claim it to be in terms of protecting children, and it's not really a modernization.

Interjection: Let's vote.

Mr. Hudak: He asked us to vote. Well, maybe when we actually hear you guys accurately describe the bill and then convince us why this is suddenly a priority.

We've been doing our research on this side. We've been doing our research. We've pulled up the Oscar winners, and we're trying to see what the films that would be potentially classified by this legislation—the Oscars—have to do with the McGuinty government.

Collateral, a big movie starring Tom Cruise as one "collateral": Mr. Speaker, if telling the truth were collateral, Dalton McGuinty couldn't get a loan for a shack. That's the connection I would make.

Finding Neverland: Neverland may be that sweet spot where banning pit bulls and banning sushi and banning Snickers bars fit with the priorities of the people of Neverland, but certainly the people of Erie-Lincoln don't think that these priorities like film classification and banning sushi meet with their priorities. Instead, it's health care.

Aviator will be the story of Dalton McGuinty when he makes his trips from Toronto to Ottawa and flies over all those flyover counties in between. Certainly, the incredible disregard this Premier and this government has for the rural communities, for agriculture, has become more than apparent, and we'll see that come March 2, when the OFA makes their presentation in a loud way at Queen's Park.

Ray: the story of Ray Charles, one of my favourite musicians. I think Ray Charles would have nothing to do with the Dalton McGuinty government other than to sing that famous Ray Charles song that I hope voters will also sing along with come October 7, 2007: Hit the Road, Jack.

1710

The Acting Speaker: The member for London-Fanshawe.

Mr. Khalil Ramal (London-Fanshawe): Thank you, Mr Speaker. First, on seeing you in the chair, I want to congratulate you. You look good in it.

I'm always privileged to stand in this place to speak on many different matters. Today I'm honoured to speak

in support of Bill 158, the Film Classification Act. I was listening to many speakers who were speaking before me. Some of them talked about the importance of this bill in protecting our children, our youth. It's not just a matter to us that when we go to a video store to rent a movie or a video to spend a good night, we like to know what this video or this movie is all about.

I listened to the member from Erie-Lincoln talking about how this bill doesn't speak about this issue and how it's unimportant. I don't agree with you. It's very important, because I have a 10-year-old child. He likes to watch movies a lot.

Mr. Hudak: It doesn't change it.

Mr. Ramal: It's very important to us, when we go to the video store, to see the classification: This is good for the family or not good for the family, it includes violence, it includes sexual scenes. All this stuff is very important. I think it's to protect the consumers of this province. I think it's a very good step toward protection for the family, for the morality of the family. It's also a good indication that a film is good to be watched by kids or by the family.

I'm going to support this bill because it's a very important step toward protecting our consumers, toward protecting our families. I commend the minister for his initiative, for his hard work to protect our families and to protect our kids in this province.

The Acting Speaker: Further questions and comments? Seeing none, the member from Kenora-Rainy River has two minutes to respond.

Mr. Hampton: Mr. Speaker, I thank members for their comments. I simply want to refer to the judgment of Mr. Justice Juriensz in Glad Day Bookshops Inc., which is the actual case on appeal where many sections of the old Theatres Act were thrown out.

Again, I would urge government members to read this, because then they will really know why we are here. This has nothing to do with Dalton McGuinty's desire to tell people what they can eat, where they can eat and where they can do other things; it's got everything to do with the fact that Mr. Justice Juriensz, when he heard this case, determined that there were many sections of the former Theatres Act that were ultra vires the province and crossed the threshold set by the charter, and therefore he struck down those sections.

He makes it very clear that the province can bring in a classification system, and that is, to a large degree, the limit of the province's capacity, and he makes it clear—he in fact refers to the Manitoba system, which has worked very well, where not all films have to be submitted for review and classification. Communities like Steinbach, which are very religious communities, haven't suddenly become the distribution ground or distribution centre for obscene material. I would urge the government of Ontario to look at that as a model.

The Acting Speaker: Further debate? The member from Whitby-Ajax.

Mr. McMeekin: I want to hear this.

Mr. Flaherty: You do? Mr. McMeekin wants to hear this.

In case I don't go on too long, perhaps I'll share my time with the member from Haldimand-Norfolk-Brandt.

If I may begin with the context this bill is in when it comes before this House, this is something we are going to see more and more of in Canadian Legislatures—we're certainly seeing it in the House of Commons today, as a matter of fact—where a bill is brought forward by the government, and the government paints it as their legal obligation to bring the bill forward. They say, as we heard last night in this place and as we've heard again today, "We are obliged by the courts to bring this bill in the form in which it is brought because of a court order, because of a court decision." Well, it's not so.

I think we need to get the basics right here. This is a decision by a trial judge of the Superior Court of Ontario. This is a single judge's decision, not an appellate decision with the Ontario Court of Appeal—a very learned judge, I might add, who is now a member of the Ontario Court of Appeal. It's a very well reasoned judgment and I certainly don't question that. I've had the opportunity to read it in some detail. But for the government to say, once the judge made this decision, that it was obliged to bring this law is not correct.

Their first opportunity was to appeal the decision to the Ontario Court of Appeal. There would have been an appeal as of right. This is the type of decision that often is appealed. It was a test case. It was a case in which a gay film did not go to the film review board, as required by the Theatres Act. The defendant, Glad Day Book Shops Inc., decided, I guess, not to do that. A representative of the film board purchased the film in Ontario, and because it had not been approved by the board, the charge was laid, because it was the law that you couldn't do that, sell it in Ontario without approval. That has been the law in Ontario since about 1911, as the judge describes in his very thorough reasons for the conclusions that he reached.

So the first avenue the government has in a case like this is to appeal and get the opinion of a panel of the Ontario Court of Appeal. I think most people in Canada think the Ontario Court of Appeal is one of the finest courts in this country. Some people think it rivals or surpasses the quality of the bench in the Supreme Court of Canada. That option was open to the government, and for whatever reason, they chose not to take it. Then they bring this bill, at the last minute, to the Legislature. The judge gave the government 12 months to deal with the issue as he decided it, that they had to separate the classification function from the censorship function. As I understand the reasons of the judge, what he is saying about the classification function is that it is clearly within the constitutional jurisdiction of the province, but that the obscenity function resulting in censorship—the censorship function—is not within provincial jurisdiction. It's within the criminal jurisdiction of the federal Parliament, and therefore he struck down the censorship portion.

I say that because it's important. We're going to see bill after bill come to this place in the charter era in which we live now. I suggest to governments that they

look quite seriously at appealing these cases so that where you have an intervener, as we do here, the Canadian Civil Liberties Association—it's obviously a test case—the opinion of our highest courts is sought before the government comes to the Legislature and says, "This bill must be passed because a judge or the court has directed that."

The other aspect of this, of course, is the Charter of Rights itself and the "notwithstanding" clause. The government has the opportunity, if it chooses to do so, within its own areas of jurisdiction to look at a judicial decision and appeal it. If they are not happy at the end of the day, then they can use the notwithstanding clause and create five years of discussion on the subject.

This is an interesting idea. I'm sure members here have gone back and looked at the debates relating to the Charter of Rights. The Charter of Rights would not have happened—Sterling Lyon, Premier of Manitoba, would not have agreed to it, and the Premier of Saskatchewan, Allan Blakeney, would not have agreed to it—were it not for the notwithstanding clause. So it is part of our constitutional framework. You don't have the rights without the notwithstanding clause there as well. Nor is the notwithstanding clause a bar. It is a mechanism whereby more time is given for thought and reflection and analysis on an important social change.

If this decision means that the province of Ontario cannot prohibit a sexually explicit, violent movie from being shown in Ontario, then I think the government ought to address that very seriously and look at the options the government has available.

1720

The government says this bill modernizes our legislation.

Interjection.

Mr. Flaherty: When I look at—

Mr. Gilles Bisson (Timmins—James Bay): I'm trying to help you.

Mr. Flaherty: Thank you very much.

When I look at the bill itself, what I see is another disturbing trend of this government, and that is, there's no content to the bill. They say they're going to classify movies and videos and DVDs. According to what classification? One looks in vain in the bill for any criteria. This is not the way bills used to be brought to this Legislature. If you look at the decision of the trial judge, he reviews the Theatres Act in some detail. As I say, the Ontario censor board was appointed by the province in 1911 under the Theatres Act. The regulation under the Theatres Act describes in some detail the duties of the board and says "These are the criteria that the board must use in refusing to approve a film."

This case came about, as I said, because this particular defendant chose not to submit their movie to the board for approval. The current regulation, 103.1, made under the Theatres Act, and the judge quotes this, stipulates, "After reviewing a film the board may refuse to approve a film for exhibition or distribution in Ontario where the film contains"—and then there's a list of criteria. This is

what we don't see in the bill brought forward by this government. We see no indication of how anyone is supposed to classify the bill. But we have it here in the present law.

Mr. McMeekin: Are you going to vote for it?

Mr. Flaherty: I daresay most people in Ontario—perhaps not Mr. McMeekin—would think that these criteria make a lot of sense. It says, "After viewing a film, the board may refuse to approve a film for exhibition or distribution in Ontario where the film contains: (a) a graphic or prolonged scene of violence, torture, crime, cruelty, horror or human degradation; (b) the depiction of the physical abuse or humiliation of human beings for purposes of sexual gratification or as pleasing to the victim; (c) a scene where a person who is or is intended to represent a person under the age of 18 years appears nude or partially nude in a sexually suggestive context or in a scene of explicit sexual activity; (d) the explicit and gratuitous depiction of urination, defecation or vomiting; (e) the explicit depiction of sexual activity; (f) a scene depicting indignities to the human body in an explicit manner; (g) a scene where there is undue emphasis on human genital organs; or (h) a scene where an animal has been abused in the making of the film."

Those are standards. Those are criteria. They have been in the law of the province of Ontario and remain in the law in Ontario until, I suppose, we have this new bill, if it passes, and I suppose the government is intent on having it passed. It seems to me that it's incumbent on the government to tell the people in Ontario how and in what way and according to what criteria films will be classified under Bill 158, assuming it is passed. But as I say, one looks in vain in the bill for the kind of criteria—any criteria at all—that we have currently in regulation 103.1, which raises the other question about standards and if it is appropriate to have any standards at all.

There are some who will argue that no standards ought to apply, that with the Internet and so on today, perhaps one can't enforce standards across the board, and no doubt that's true. But does that mean that government ought to abandon standards setting?

I had the experience of being involved in the Sharpe case that went to the Supreme Court of Canada, and I can tell you, as a lawyer preparing for that case, it was the first time in my life that I had to hide the exhibit books, the appeal books from children because they were so offensive. But there we were, first of all when the case was argued in the British Columbia Court of Appeal and then in the Supreme Court of Canada, listening to charter arguments about material that is absolutely pornographic, depictions, use of children and minors. I don't want to dwell on it, but that's what happens now in the charter era: There will be the freedom of expression argument every time there's some movie that is allegedly pornographic and with respect to which criminal charges are brought.

Should we have standards? My submission, my point of view certainly is yes, we have to have standards. In fact, it's the government's duty. The government has a

duty, sometimes described as *in loco parentis*, to look out for the welfare of children. So do the courts. Regrettably, not all parents will check to make sure the classification is an appropriate classification for their child to attend a particular movie or to purchase a particular video.

The government does have a duty, it seems to me, to make sure that violent, degrading movies and DVDs are not made available to young people, to children in the province of Ontario. I don't know, quite frankly, whether the government agrees with that or not. I can't tell from the bill because the government doesn't tell us what criteria are to be used. The bill says there will be regulations, the Lieutenant Governor in Council, and the minister will do this and the minister will do that. This is imperial government. This is executive government. That's not democratic parliamentary government where the Legislature gets to see actually what the standards are that are being proposed.

For those various reasons—they're all good reasons, it seems to me, to question the usefulness of this legislation. The history of the bill certainly tells us the history of the law in Ontario, tells us that this law worked. As the judge notes, there were very few films that were not approved. They were approved with restrictive classifications and so on. Sometimes scenes were required to be removed in order for a film to be approved for showing in Ontario.

Having said that, I think there was generally broad acceptance of the function of the review board. Why was that broad acceptance generally extant in Ontario? I think it's because the people of Ontario themselves, together, all of us, have a set of standards that is quite progressive, quite permissive and quite tolerant, but there is a limit. I think the point is described pretty well in the current regulations under the Theatres Act, the limit beyond which the people of Ontario do not wish to go, and that is, the people of Ontario wish the government to make sure there are some standards, and if they're not met, the result would be that a film would not be shown in Ontario. So that's a question of standards setting.

I'd suggest with some seriousness to the government that they look at actually talking about that issue and about what the standards should be and consulting with the people of Ontario about what the standards should be, not only in film classification but in the decision rarely made not to approve a film for release, for distribution, legally at least, in the province.

Those are all, in my submission, important points and I hope the government will consider them. I also hope the government will stop the trend that is developing in this place, in other Legislatures and in the federal Parliament of pretending that a Parliament or a Legislature must do something because there has been a decision of a court. There's always the possibility of using the notwithstanding clause.

Mr. McMeekin is very keen to know whether I'm in favour of ever using the notwithstanding clause. I've said that before. I think in certain circumstances it is a power under the Constitution that can be used. I don't think that

is a very remarkable thing to say, because the Charter of Rights wouldn't be there at all were it not for the notwithstanding clause. It is the *sine qua non* of the fact that there's a Charter of Rights at all in this country, and it speaks to the issue of parliamentary democracy.

1730

If the members opposite read the case law, if you read what the Supreme Court of Canada has said, and other decisions by other courts in this country, there is this discussion, an important discussion, about dialogue, that there should be a dialogue between the higher courts in Canada—including the Ontario Court of Appeal and the Supreme Court of Canada—and Parliament and the Legislative Assembly of Ontario. That is, their job is to interpret the charter as they understand it and to make the rulings; our job, as elected representatives, is a different one. We may find that our constituents want time to think about things. We may find from time to time that it's in the public interest to reflect for a while and let issues have a great deal of public debate and discussion. That's why it's there.

Hon. Mr. Watson:—share your time.

Mr. Flaherty: This kind of dialogue, I know, is not understood by the minister opposite responsible for the bill, but this kind of dialogue between the courts and the Legislatures is very important and is talked about repeatedly in the judgments of the higher courts. So I commend this sort of educational effort to the minister opposite. Perhaps I'll get together a brief of cases for him to read on the plane flying back and forth to Ottawa so he can become familiar with some of those decisions in which the Chief Justice of Canada and other judges have talked about this dialogue, so that politicians will stop this rather annoying, inaccurate habit of bringing bills here and in Ottawa and saying, "We have to do this because the court said that and we have no choice."

We're not living in a totalitarian society, I hope. That's what the dialogue is supposed to be about. The court expresses an opinion, Parliament may express an opinion, and the opinions may not be immediately reconcilable. That happens. We're a parliamentary democracy. That's why the notwithstanding clause is there. That was the Parliament part of the democracy, and I don't think people ought to shy away from that reality. That's how it was created in the first place, not that long ago.

Those are the points I wanted to make, Speaker, and the balance of the time goes to my friend from Haldimand-Norfolk-Brant.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I'd like to thank the member from Whitby-Ajax, and I want to thank the minister too for making a pitch for me to say a few words. There is a lot I could talk about, of course, with respect to the problems with the birth certificates in my office as well, but I need not go there; this is certainly on our minds. In fact, I will admit that issue has been much more on my mind than the Film Classification Act.

I was really questioning why this unorthodox measure of bringing us back in February to debate a bill like the Film Classification Act. However, after hearing the

member from Whitby–Ajax and the questions he has raised, it does suggest to me that perhaps this particular piece of legislation bears a bit more scrutiny than I at first thought. I'm not getting any questions from my constituents, but now that some of these questions have been raised, I ask myself, where would this kind of legislation lead in the hands of what I consider a paternalistic Liberal government? Would we see a bill that continues to build on the paternalistic principles we have seen in the past, suggestions of adults wearing bicycle helmets, or the ban on sushi, no longer a ban on sushi? Who knows where sushi would end up in the beginning? Will we go down that paternalistic road or, given this government and its brief track record to date, does it open the door for further liberalization in this field? I have questions.

The Acting Speaker: Questions and comments? The member for Timmins–James Bay.

There's a lot of chatter over here. There has especially been one conversation that was at least 20 minutes long. I'm not sure it's appropriate.

Mr. Bisson: First of all, Speaker, let me congratulate you on your promotion to the chair. I look forward to our time in the House with you. I promise, however, to be as vociferous with you as I am with every other Speaker of the House.

Let me just say a couple of things. I thought the presentation made by the member was actually quite excellent. It spoke to the point. I don't agree with all of the points of view he put forward vis-à-vis the charter and the need to sometimes invoke the notwithstanding clause, but I think he put the basic issue pretty square up.

There are basically two issues here. You have the Theatres Act that hasn't been amended for a long time. The courts have said that the government of Ontario does not have the authority to censor materials that are shown in theatres, within the confines of that act, but that certainly the province has the right to classify.

That brings us to an interesting question, and that is the right of people to express themselves and how that comes up against the Charter of Rights and Freedoms. That's an issue we've seen over the years at different times in different situations. I think we all generally agree as citizens, let alone legislators, that there should be a clear right for people to express their views in a democracy. If that right is a minority-view right and it's extreme one way or another, that's what democracy is all about.

The issue becomes, to what degree do we allow those expressions to be given if they're hateful or in some way are not exactly the kinds of things we want to be hearing out in the public domain? That's really a tough one, and I want to speak to that a little bit later when I get my opportunity in this debate.

I thought the member raised an interesting point when it came to the whole issue of utilizing the notwithstanding clause. I'm not so sure that's the way I would want to do it, and I'll explain why a little bit later.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I want to start off by also congratulating you on your appointment as Speaker. I had the opportunity to work with you on Toronto city council from 1997-98, and you've always been fair-minded. We have not always agreed on every issue, but I've found that you've always had a fair and open mind when it comes to most issues, and I'm sure that's one of the reasons you're sitting in the chair today.

I want to say a few things about the act before us, the Act to Replace the Theatres Act and to amend other acts in respect of film, otherwise known as Bill 158.

The Acting Speaker: I wonder if the honourable members in front of you might sit down. I can't see you speak. Thank you.

Mr. Berardinetti: I heard the remarks of the member from Whitby–Ajax, and he made some very, very relevant points. I agree with him that the Court of Appeal is perhaps one of the most respected courts in the country, and that could be one route we could follow as a government.

However, information technology moves at an incredibly rapid pace. In the past 20 years or even the past 10 years, we've seen that the proliferation of DVDs and VHS and other forms of media has reached an incredibly fast rate. The old way of trying to control or monitor these, trying to keep the old regulations in place, doesn't work any more. We, as a government, need to act quickly to protect our children and society in general, and to at least advise society in general as to what movies they're watching and what's in those movies. This act does that. It's quite detailed. It provides a very good scheme as to how those movies will be rated, and I fully support it.

I've run out of time. I'd like to say a lot more, but I think that's the key to this act today.

Mr. Hudak: I want to commend my colleagues from Whitby–Ajax and Haldimand–Norfolk–Brant on their insights.

Hopefully, we will hear from the government side why they forfeited the right to appeal on this legislation, and secondly, why there aren't better guidelines in the legislation for future decision-making in the classification system, or some explanations on the licensing regime.

On the theme established in the last two-minute rounds, I want to continue with some of the Oscar nominees and how those films could be about the Dalton McGuinty government.

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Million Dollar Baby: This government is increasing taxes in health care but people are receiving fewer and fewer services, so at the end of the day, the next baby born will probably be a million-dollar baby because costs have gone up but services are going down.

Sideways is nominated not for the best picture but for the best actor award, I believe. **Sideways** is the direction the economy is headed after Finance Minister Sorbara's big-deficit, high-tax and big-spending budget.

Closer is also nominated for an Oscar. Closer to the edge is certainly how taxpayers feel as they see increasing taxes and higher fees from the Dalton McGuinty government—closer to bankruptcy for many small businesses.

Kinsey: Maybe Professor Kinsey would like to look into why the government did not appeal this decision and what kind of decision-making happens behind closed doors. It would be an interesting survey.

House of Flying Daggers, nominated for achievement in cinematography, is certainly what we heard about the Liberal caucus meetings dealing with rent control issues. I heard that House of Flying Daggers may accurately describe some of the blood-on-the-floor debates happening with the growing schism in the Liberal caucus over rent control legislation.

Finally, Lemony Snicket's *A Series of Unfortunate Events*: the broken promises, a year and a half of a government being off the rails.

The Acting Speaker: Further comments? The member for Ancaster–Flamborough–Aldershot–Dundas—maybe not in that order.

Mr. McMeekin: You're close, Mr. Speaker. Let me add my word of congratulations to you, too. I share the perception in this chamber that you are indeed a man who is given to fairness and such.

Hon. Mr. Watson: He should be leader of the NDP.

Mr. McMeekin: I won't go there; that's for another day. But I do want to congratulate him.

I want to take a minute from all the silliness we have heard. I don't want to engage in that, because this is a serious issue. I just want to say to my good friend and colleague from Whitby–Ajax that I really appreciate the fact that he took the time to offer a very learned critique from his perspective. I agree with much of what he said—not all of what he said, but much of what he said. He spoke to the suggestion that this whole issue is about standards. I want to just say for the record, and I think on behalf of the ministry and the government, that we're very concerned about standards. We obviously had some legal opinions around the dos and don'ts and what we should do around the court decision, and we took some decisions there. The most important decision we took in terms of direction was to work with our partners and get in sync with the other provincial governments, who understand, as my colleague earlier articulated, that the ground is shifting so fast out there and the technology is changing so rapidly that we really need to get with it, that the old ways, as the court indicated, just don't cut it anymore, that we need to keep pace.

So while I concur in much of the thrust of my friend and colleague's comments, we're moving there. We're moving there by working with retail partners with voluntary codes. Parents I have heard from right across this province are saying they really appreciate the parental classification guides that this government has provided. We'll continue to work in that direction. Again, Mr. Speaker, all the best to you in your new role. I look forward to many exciting sessions with you in the chair.

The Acting Speaker: The member for Whitby–Ajax has two minutes to respond.

Mr. Flaherty: Thank you, Speaker. It was unclear to me whether the minister, the member for Ottawa West–Nepean, was suggesting that you should lead the NDP or whether the member for Ancaster–Dundas–Flamborough–Aldershot should lead the NDP. I know the member is actually a Conservative trapped in a Liberal body, but I didn't know he might have NDP leanings.

Mr. Bisson: He used to work for Ian Deans.

Mr. Flaherty: Really? So there are some NDP leanings in the member for Aldershot.

Mr. Bisson: He's a Liberal; he goes either way.

Mr. Flaherty: I'm learning this from the member for Timmins–James Bay, who is a great source of knowledge about persons with socialist leanings.

With respect to the comments, I thank the member for Ancaster–Dundas–Flamborough–Aldershot—that's a very long name—for his comments. I don't agree with respect to the comments about standards and the old ways and so on. I think, actually, standards have stood the test of time. Things changed over time in terms of content and what the censor board had to deal with—no doubt that became more graphic and more violent over time—but the need for standards regardless of the type of medium involved seems self-evident to the people of Ontario, in any event.

I thank the member for Scarborough Southwest for his comments and, of course, my colleague from Erie–Lincoln. I look forward to further debate on the bill.

The Acting Speaker: Further debate?

Mr. Bisson: Thank you very much, Mr. Speaker. Again, congratulations. I'm waiting for the day that we cross swords. It should be interesting.

I'm going to have a few minutes here to put on the record my thoughts in regard to this particular bill. I'm going to come at this a little bit differently from most. I want to come at it from the issue of censorship because, in effect, what the bill does, as everybody has explained—it was a court challenge. A particular book company—I'm not quite sure who it was—basically went to court and said the province of Ontario doesn't have the right to censor books or films in Ontario. When it went before the Ontario courts, they said that there is something called the Canadian Charter of Rights and Freedoms and we cannot ban books or movies in the way that we were doing under that legislation—the old Theatres Act that's been around for some 40 years.

It gives rise to an interesting issue and an interesting debate; that is, the issue of censorship. As I was saying earlier, I think most Canadians and certainly most Ontarians would agree that not many of us in this society would support censorship in very many forms. We live in a free and democratic society and, as such, we have the right to express our views, be it in the majority or be it in the minority. In fact, that's what democracy is all about. Democratic rights of individual citizens give us the ability, if we are in the minority, to go out and challenge what the status quo is. That's a really good thing. That

shows that democracy is healthy, when a minority person who holds a minority view is able to bring that view forward to challenge the majority about what they may be wanting to do or thinking about a particular issue.

For example, it was not that long ago—I remember growing up as a young boy here in Ontario in the early 1960s—when women were really subjugated to the backrooms of the employment sector. Not many women were able to work or expected to work according to the conventions of society. In fact, not that long ago, within the last century, women didn't even have the right to vote. They weren't even a minority; they were actually pretty close to a majority in our society. About half of our population is made up of women. The interesting point, and what I'm trying to say, is that women voiced a minority view according to society of the day, and they said that's wrong. Of course, those people who controlled the power, those who were in the majority, the men in that particular case, kept them away from power for many, many years. Eventually women, because they had the democratic right to express themselves, were able to have a debate within our country, not only to give women the vote in the early 1900s, but to be able to move the yardsticks ahead when it comes to the role of the participation of women across all of the activities in our society: being able to run for political office, being able to get a job as a professional, being able to make the choice about what a person should do with their own body. All of those issues were done—why?—because women had the right in a democracy to raise those issues, even though those issues may not have been held by a majority of people, or may not have been perceived to be held by a majority of people, I think, would be more correct.

A good demonstration of that is the issue of choice. If we were to do polling back 20 years ago, I would probably think that most people in society would say, "No. Choice is a bad thing and abortion should not be allowed whatsoever." Primarily women, some men but primarily women, said, "Hogwash. It's my body and I'm not going to have a bunch of grey-haired old men tell me what I can and can't do with my body." So women, correctly so, went out in society, started the debate, pushed the legislators in order to have this debate, lobbied, did campaigns of all types in order to raise that as an issue.

I remember when that issue was first coming up, as a young man at that point and newly married, going out with my own wife. The debate was really starting up at that time and the majority view of society was, "Oh no, we should not allow that." But because women had the right to express that minority view, society was challenged, and, correctly so, society changed its view and changed its laws on the issue of choice. Even today, in the year 2005, there are people within our society—in this case, the minority—who believe that women shouldn't have choice. But my point is, we don't get progressive laws passed unless we allow the minority to have a debate. I think that is really important and fundamental to this particular piece of legislation.

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I don't like lewd films—pornographic movies, in other words. They have never been my thing. Quite frankly, I think they're a silly way to spend your time. But that's not for everybody. There are people who choose that that's something they like to look at. Who am I in society to tell them they can or can't look at that? The issue to me, again, is an issue of the right for a person to choose what they want to read or look at. In my view, as long as it is not something such as a manual on how to build an atomic bomb and how to place it somewhere to do some harm—I think that would be going to an extreme. Certainly in those cases, we should try in some way to restrict that kind of information from getting around. I think society, in that sense, could say, "Hey, that's unreasonable." Everybody agrees that we have the right to expression and that we have the right to read the materials that we want or to look at a film or listen to the radio or music, but that right doesn't supersede the safety of other citizens.

That's an interesting debate that we've actually got going on right now with what's happening with the United States and this whole 9/11 situation. It's an interesting debate. Those are those within the United States—George Bush, for one, whom I disagree with entirely—who say that they should use this attack they've had in the United States to limit people's rights within society in order to beat back the terrorists. Everybody is running in that direction in order to do the bidding of Mr. Bush and others who have that view. But it raises a very important point: At what point do we start to infringe on people's individual democratic rights as citizens to express their views, which may be different than the majority?

It relates back to this particular bill. I am not a fan of censorship in any way. I believe the best censorship is done at home and done by the individual. If I, as an individual, don't want to watch pornographic movies, guess what? I'm not walking into the porn shop to buy one, and if it's on TV, I'm turning it off. I'm my own censorship board. I don't need anybody to tell me that's something I don't want to look at.

When it comes to children, same idea. We have two daughters. They are grown now. Julie is 28 and Nathalie is 22. We never had that problem, with two young girls. I imagine there must be some young women who look at that stuff. But it is up to us as parents to try to instill in our children what is right and wrong. I think that is something that not the state but the parent has to take some responsibility for, which brings me to my second point.

I believe sometimes society tries to respond to issues and to put the onus strictly on government to do what, quite frankly, individuals should be doing themselves and parents should be doing. This idea of censorship, when it comes to movies, books and music, I think is a good example of that. For example, I went through this whole rap thing. I don't know about you guys, but I just don't like rap. I don't have a problem saying it publicly. I think

rap is one of the weirdest kinds of music I've ever had to listen to. I'm one of those guys—I never thought I would say this as an adult. Growing up in the 1960s and late 1970s, where we had our own kind of weird music, I never thought I would be standing here as an adult and saying I don't like rap. But my point is—

Mr. Hudak: Beat music.

Mr. Bisson: Well, beat music. But when our daughters were growing up and a lot of that stuff was being played at home, the part that I was offended by was not so much the beat and the rest of it; it was the violence in the music. I sat down with both Julie and Nathalie when they were of that age and asked, "What do you see in that music?" "Well, everybody listens to it." I said, "I just want you to be clear. Are you listening to the words?" "Yeah, Dad." So we'd talk about some of the lyrics they had in the songs. The girls still listen to rap, but at least I was able to put my point forward and say, "Don't take this stuff holus-bolus. Understand it for what it is, but they are, in my view, expressing some pretty bad ideas by way of their art." It was up to my children at that point, once I fulfilled my responsibility as a parent, to decide if they wanted to listen to it or not. I think they probably still listen to it to a degree, but probably not as much as before, and they are probably more well informed. It comes back to the point that we, as parents and as individuals, need to take some responsibility in making sure that we become our own censors. I don't think it's the job of the state—in this case, the province of Ontario—to decide what it is that I can or can't watch as an individual. For example, there are some pretty graphic movies out there. If you take a look at most of the action pictures today, the stuff we see today by way of action pictures I would never have seen 25 years ago.

Interjection.

Mr. Bisson: I don't like them. I just don't watch them. It's as simple as that.

We have, like everybody else, a big TV down in the basement with a DVD player. Those are not the movies I choose to watch. I choose to watch things that are more to my taste. But if I wanted to watch that, I should have the right. As long as I don't use that experience to go out and do something harmful against society, there's nothing wrong with that. I don't think that we, as a society, should be saying, "Oh, that movie is just too, too gory," "It's too scary," or "It's showing too much violence." If it shows too much violence, I think people will do their voting with their feet. By and large, people, if they think it's too violent, will probably shy away from watching it.

But I think the test becomes—and this is the point Mr. Flaherty raised, which I think is an interesting one—at what point do we, as a province, ask the federal government to use the notwithstanding clause to limit somebody's right to watch a film? I disagree with that. I'm not a big fan of the notwithstanding clause. First of all, I think it should never have been done. It's caused us all kinds of problems. You've either got a Constitution or you don't. We understand it was a compromise, but I

don't believe we should be using a notwithstanding clause to limit somebody's right to view something that's on the movie shelves, some music they want to listen to or a book they want to read. I quite frankly don't agree with that.

I just wanted to put on the record that particular part around censorship and now to speak to the other one, which is classification.

The bill basically does two things in the Theatres Act: It sets up the regime of classification and it deals with the issue of censorship. What this bill is supposing to do is remove the censorship issues from the bill that existed there before. That I don't have a big problem with, quite frankly. The other issue is that of censorship. I think this is where you can make a difference because that is how you inform people of what it is they're about to read, listen to by way of music or watch by way of a movie.

There is a role for the government of Ontario to do a proper job with classification. I think the Ontario Film Review Board, as much as we've made fun of it in this Legislature in the past—in the House over the last 16 years I've been here, there have always been, every now and then, some kind of funny comments about the film review board. It used to be—for members who are just newly elected—that the film review board had its location to view films right in this Legislature. It was up on the fifth floor, I guess on the east side of the building, where basically those who were chosen as appointees to the film review board would come and watch all those movies upstairs on the fifth floor of the Legislature, I believe now where broadcast services has some of their facilities. There always used to be jokes about the noises that we'd hear coming out of that room as the VCRs were playing, and all kinds of fun was made of it.

The reality is that I think classification of films, books and all that is not a bad idea, because I want to get a sense as I go out to purchase a movie. For example, I won't walk into Wal-Mart, just so you know. Wal-Mart sells these things, but I've been boycotting Wal-Mart for a long time and will continue to do so, especially now that they don't allow the workers to organize under a union, which brings me to an interesting point.

I've been looking for the time to say this and I've got a chance. I've got the mike and I'm going to say it. I find it passing strange that a company like Wal-Mart, which supports George Bush in the work of bringing democracy to Iraq, which says that we should take young men and women from the United States and put them in harm's way, send them to Iraq to die, over 1,000 of them now, in order to give Iraqis democracy, is unwilling to allow workers to express their democracy by participating in a union. I find that extremely hypocritical. How can you, on the one hand, say, "I'm willing to have young Americans die in Iraq to give them democracy," but say it's wrong for workers in North America to join a union? One of our most basic democratic rights is the right to assemble and join organizations like a union. I just say to Wal-Mart and those people running that place, a pox on your house, a bunch of hypocrites. As long as I have

anything to do with it, I wouldn't buy anything at Wal-Mart until you guys change your view. If you believe in democracy, walk the talk—what's the saying?

Mr. Shafiq Qaadri (Etobicoke North): Walk the walk.

Mr. Bisson: Walk the walk and talk the talk. Don't say to me, "Oh, yeah, democracy in Iraq's a great thing. Let's kill a bunch of Americans to get there, but we're not going to allow workers in Quebec or anywhere else to be able to join a union." What a silly thing. It's up to workers to decide if they want to join a union and it's the laws of the province or the state they're in that determine if that's been properly done. If it's been properly done, then they should be allowed to have a union. But I digress. I just wanted to put that on the record.

The point I was making in regard to the film classification issue is that I have great respect for the work the Ontario Film Review Board does. In fact, I would like them to be able to do an even better job at classifying films, because that's the one guide I have as a consumer, as I go out to buy my DVD. I started about a year ago. I don't rent movies so much any more. I go out and buy them. I wait for them to come down to about fifteen bucks, and I figure it costs me five bucks to rent one and I may as well buy it.

Mr. Hudak: Late fees.

Mr. Bisson: Late fees—Blockbuster just took their late fees off. Did you notice that? That's a whole other story. The point is, I find it cheaper over the long run to go out and buy them. Then you've got a nice library of movies when you've got nothing to do on a winter's

night. You throw in a DVD and you've got a pretty good choice. When I go and buy DVDs—I'm sorry, but I've got to admit this. I'm not hip. I don't know who the good actors are, other than ones like Anthony Hopkins—

Mr. Hudak: Charlton Heston.

Mr. Bisson: Charlton Heston. Did you see the part in Planet of the Apes where he's advocating that guns are bad? I think that's so funny.

Anyway, the issue is that I don't know actors and actresses all that well. I just know the big names. So when they give me names, and I can't even repeat them because I don't know who they are, I have no idea if that's a good actor or actress. I look at the title of the box, I look at the picture on the top, I read a little bit on the back, and if it sounds interesting, I buy it. Then you bring it home. Well, I did that one day. I bought a movie called Casino.

Mr. Hudak: Pesci.

Mr. Bisson: Pesci; I love Pesci.

Now I've got to tell you the story: I'm a real scaredy-cat. I don't like gory stuff in my movies. Really true. So I picked up—

The Acting Speaker: I'm afraid you're going to have to tell this story on another occasion.

Mr. Bisson: Oh, Speaker.

Interjection: Let him go.

The Acting Speaker: No. It now being 6 of the clock, we are recessed until 6:45.

The House adjourned at 1800.

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of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

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(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 16 February 2005

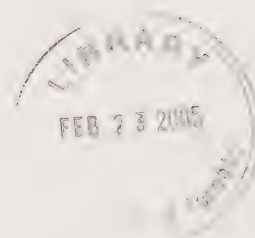
Mercredi 16 février 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 16 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 16 février 2005

The House met at 1845.

ORDERS OF THE DAY

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Resuming the debate adjourned on February 15, 2005, on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / *Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.*

The Deputy Speaker (Mr. Bruce Crozier): Further debate? Just to explain, Mr. Chudleigh was last and he's not here, so we just move on.

Mr. Toby Barrett (Haldimand–Norfolk–Brant): On a point of order, Speaker: I spoke for 40 minutes yesterday afternoon as well and I shared my time with Mr. Chudleigh. I was anticipating some two-minute responses.

The Deputy Speaker: Your anticipation was unwarranted. We move on. Further debate?

Ms. Shelley Martel (Nickel Belt): I'm going to be doing the leadoff for the NDP tonight, and I'm not sharing my time with anyone. You can all settle in for the next hour because I will be doing this leadoff by myself.

I want to begin by saying that in Ontario in 2005, I think it is a minority, and that minority is getting smaller and smaller, who doesn't accept the fact or support the notion of banning smoking both in workplaces and public places. That's why I think many municipalities have already moved on this issue and brought in bylaws to reflect that sentiment in their own communities.

For example, in my municipality, in the city of greater Sudbury, the community went smoke-free beginning in May 2003 and the full implementation of that bylaw came into effect June 1, 2004. I should say that I was at Tom Davies Square, which is the seat of our municipal

government, in May 2003 on the day the bylaw went into effect and spoke in support of the bylaw and those many groups who had brought it forward, who had come to council, who had gone through the debates and who had gotten to a position where this was going forward in our community.

In some ways, this bill really does represent the provincial government catching up on a debate that has gone on in a number of communities already and also catching up on a number of actions that many municipalities have already taken to ensure that both workplaces in a municipality and public places in that municipality are smoke-free. What the bill obviously does is to ensure that anyone who is left behind will now be under that umbrella by May 2006, a uniform law to replace what has been a patchwork of many municipalities passing their own municipal bylaws to get to a smoke-free environment.

Smoking is a health issue. There is just overwhelming research and evidence to demonstrate the link between tobacco and disease, the link between tobacco consumption and disease which leads to death, or second-hand smoke which is leading to disease and/or death as well. For me, this debate tonight is not about those links. As far as I'm concerned, frankly the debate and that research is overwhelming and the debate around those links is long over, and I'm not even going to focus on that tonight.

What I do want to focus on is the fact that as the provincial government moves to a place where many municipalities have already gone, I think that does present challenges, and we can either, as a body, reinforce and make those challenges even worse, or we can do what we can through the legislation to try to minimize those challenges. I certainly hope we are going to be doing the latter. I want to talk about some of the challenges, which from my perspective include the following.

1850

The challenge for people to quit smoking: Just because we pass a ban doesn't make it easier for any number of people to quit. I think we need to recognize that. I heard some comments yesterday by the Liberals saying, "Having this ban is going to move people there." I'm sorry. If it was that easy, people would have moved there a long time ago. I know far too many people who have tried any number of alternatives to quit smoking and haven't been able to do that. So we need to recognize that the mere implementation of a ban in workplaces and public places is not, in and of itself, going to allow people to quit smoking. My question for the government will

be, what are you prepared to do to support people who are trying to quit?

The second challenge that I see is for farm families who are involved in tobacco production, who are already facing a very difficult time and whose difficulties are going to increase with the passage of the bill—because clearly, as this goes forward, and if the government supports people, you will see tobacco consumption decline. This is a real challenge for those families. I don't think it's all that easy to diversify into another crop, and I want to talk a little bit about that and about how the government needs to be positive in working with farm families to try to move them out of production—working positively not only in the short term, but with a long-term strategy as well.

Third, I think there is a challenge for a number of operators who did spend money to create a designated smoking room to be in compliance with the municipal bylaw that is still in effect in that municipality. Hamilton is one, for example.

Ms. Marilyn Churley (Toronto–Danforth): Toronto.

Ms. Martel: Toronto is another one. There's a large number of municipalities, Burlington and others, with fairly significant populations where business owners made a decision, based on the bylaw that was going into effect, that they would spend money to create a designated smoking area, knowing full well that it was going to be phased out when the 100% ban came into effect, but believing they would have two or three years to recoup those losses. I do think that in those communities where people are in compliance now with the municipal bylaw and are seeing that being changed because of a provincial bylaw that is going to supersede the municipal bylaw, we need to think about what we do for those people.

I also want to focus on what the Liberals promised in the election with respect to an overall tobacco strategy, because the bill we are dealing with is one aspect of what the Liberals promised. I had certainly hoped that the whole piece would come forward at the time this legislation was coming forward, and that hasn't happened. I want to go through what some of the commitments were, and to essentially say to the government members, where is the rest of the package that is really necessary to come forward if indeed we are going to treat smoking as a health issue and we are going to move to a place where we support and encourage more and more people to quit?

On that note, let me begin by looking at one piece in the legislation where I hope the government is going to make a change. That has to do with how we handle private in-home nurseries. It's very clear that under the current Tobacco Control Act passed by our government in 1994, daycare facilities are facilities where smoking is prohibited, and that remains in effect in the legislation before us. One of the changes that the government is proposing to make comes in subsection 9(2), where it says, "No person shall smoke or hold lighted tobacco in the following places or areas." Number 5 says, "A place where private-home daycare is provided within the

meaning of the Day Nurseries Act, during the time that daycare is provided."

I want to just say a little bit about that. The critical factor here is "during the time that daycare is provided," meaning during that time of day when children are in the home where there is licensed daycare. For daycare to be licensed, there have to be more than five children, and you have to apply for a permit—previously to the Ministry of Community and Social Services, now to the Ministry of Children and Youth Services—to get a licence. You are regulated; there are inspections. There are rules that you have to follow to comply.

I like to think that when you are licensed, you are providing good-quality daycare, which is what we want for all our families and all Ontario children. But I can't believe the government is only concerned about kids and smoking in that portion of time when kids are actually in the home. What it essentially means is that the operator of that in-home facility could be smoking up to five minutes before the kids arrive, put the cigarette out the moment the kids arrive at the door, can't smoke during the rest of the day but can continue at night, so that you don't really have a home environment where the smoke ever leaves.

I've got a friend who is a physician in Ottawa who sent me a little note about this and said, "It reminds me of having an ink stain, for example, in a bath tub. You can let it stay there during the day. You can try to drain it, at a certain time of the day or night, but frankly it still stays on the walls and it still stays in the environment." It's the same with smoke. It doesn't leave that environment for those kids just because someone quit smoking five minutes before the kids show up on the scene.

If you're really concerned about a quality air environment in quality daycare for our kids, then you really should be saying, "If you are an operator who wants to be licensed by the ministry, then you can't have smoking in that home, period." That's it. Not smoking when they kids aren't there; a smoking ban, period.

What I found interesting is the difference between how the government is treating children and how the government would treat workers who are coming in for home care. The section on home care says essentially that a home care worker can refuse to provide a home care service in a home if that individual is smoking when he or she arrives on the premise. I agree with that. But it seems to me that we need to take that additional protection to ensure that kids who are there seven or eight hours of the day, not just a single hour, are protected all during that time. They can't be protected if operators are going to be smoking just before the kids arrive and then continue to smoke long after the children leave. That is just not a quality air environment for those kids. I think if you really want to get serious about protecting those kids in those areas where we can protect them, and we can where daycare is regulated through the Ministry of Children and Youth Services, then you need to take that extra step and say, "Anybody who is going to be licensed cannot be smoking on those premises at all—period—

any time of the day or night. If you don't want to abide by that, then you don't get licensed." That is the beginning of the end of it. We can't do anything about smoking where there are kids in daycare where there are only three or four kids in a home being looked after by a caregiver. We certainly can do something for those facilities that we license and I think we should be doing the maximum.

I wanted to refer to something that the minister said yesterday afternoon in his remarks, when he was talking about this bill and its development. He said very clearly that the ministry consulted with various experts and stakeholders during the development of the bill. He referenced very specifically a number of men and women who are convenience store owners and who would have some difficulty with this legislation and the consultations that took place with them. He also referenced aboriginal people and discussions that took place with native leadership around what could or couldn't be done on reserves, because of course reserves are federally regulated, and chiefs and councils make their own bylaws on reserve, but what mechanisms there were for people to work together.

He didn't talk about Legions and I do want to talk about Legions. I think the government could have given the Legion leadership the time of day in order to go through this issue. This doesn't affect the Legions in my community. When the bylaw was passed in our community in 2003, it also applied to Legions, so I say this from a community where there already is a ban in Legions.

I have some correspondence here that came from Ontario Command. The first letter that was sent to this government about this issue of smoking and whether or not smoking could be exempt in the club rooms of the branches was December 5, 2003, a letter addressed to Dalton McGuinty from Erl Kish, who is the president of Ontario Command. He points out the Legion membership, their concern about a no-smoking bylaw, their request that the government consider allowing smoking in the club room where members are, also pointing out that some municipalities have exempted Legions as private clubs so that this was permitted. At the end, "I am very willing to attend any meetings that may require further explanation and look forward to your reply at your earliest convenience." That's the first letter, December 5, 2003.

1900

The Premier's office responded January 30, 2004. Here's what they said to Mr. Kish, signed by Dalton McGuinty:

"Thank you for your letter regarding tobacco control in Ontario. The views of you and your members are important to me.

"Our veterans have contributed so much to the development of our society and for your sacrifices I am deeply grateful. As your newly elected government, my colleagues and I are committed to remaining sensitive to issues that are important to you, your families and our province.

"I appreciate the issue you raised. As it would best be addressed by the Honourable George Smitherman, Minister of Health and Long-Term Care, I have passed along a copy of your correspondence to him so he can respond directly.

"Thank you again for your comments. Your informed input is always welcome."

That was January 30, 2004.

Now, the minister's office finally responded June 9, 2004. This was a letter sent to Mr. Kish by Charles Beer, who was executive assistant at the time, to Mr. Kish. It's five months later, after the letter's been referred from the Premier's office:

"Dear Mr. Kish:

"I am responding to your letter to Premier Dalton McGuinty about our government's planned provincial no-smoking legislation, which was forwarded to the Minister of Health and Long-Term Care.

"I appreciate your concern on behalf of Canada's veterans and your request for an exemption under the new legislation for the members' lounges in Legion halls in the province.

"The details of the legislation are being developed and we appreciate receiving your views during this process. Your comments have been noted and shared with ministry staff working on the proposed legislation. As well, there will be additional opportunities for public input during this process.

"Thank you for writing."

August 18, 2004, Mr. Kish writes again on behalf of Ontario Command and says very clearly: "I would be most willing to meet with you at your earliest convenience to discuss this matter. Please contact me at your convenience." This is a letter dated August 18, 2004, to the Minister of Health. No reply.

The next thing that happens is the legislation is introduced and, clearly, Legions are not going to be exempt; they are going to be part of a smoke-free workplace.

The point I want to make is this: The minister and his colleagues found time to consult face to face with people who own convenience stores, as well they should. The minister and his staff, or his staff, found the time to consult directly with aboriginal leadership, as well they should. You know what? Why couldn't the minister and/or his staff spend a few minutes talking to the Legion, Ontario Command, about this issue, even if it was going to be to say, "Look, we appreciate your concerns, but we have made a decision that every workplace in the province is going to be part of the law and a club room in many Legions is a workplace because there is someone behind the bar selling alcohol and other things. So as much as we appreciate your concern, this is our decision." How come the government couldn't even do just that? I don't understand this.

Like I say, it doesn't impact on our Legions because our Legions were already part of the bylaw, and so for the last 18 months there hasn't been smoking in Legions in the city of greater Sudbury. But I know there are a number of municipalities where exemptions were made. I

know there are a number of Legions that built outdoor patios, for example, to comply with a municipal bylaw. I regret that the government couldn't give the time of day to the Royal Canadian Legion, Ontario Command, even for the government to explain its position, hear the concerns and then make a decision. I just think that was a silly thing for you not to do.

When I heard the list of groups the minister said they consulted with yesterday, I just wonder why it didn't strike him that this might be a group that some particular attention could be paid to, given the sacrifice that veterans have made on our behalf. Obviously, it's too late to do much of anything now because Ontario Command wasn't consulted and a decision has been made. I respect the decision the government has made, but I just think that you really missed the boat in terms of not ensuring that there was at least some follow-up, especially after there were repeated requests for a meeting that seem to have just been ignored.

I want to take some time to look at the Liberal commitments on tobacco control. I think it's worth putting into the record what the Liberals promised in the last election with respect to tobacco control, because the legislation that we're dealing with tonight is certainly a part of it. But there were some other commitments made, and I thought it would have made sense for the government to come forward with them at the same time they were bringing forward this legislation. So I want to spend some time looking at the commitments that were made and where the government seems to be in dealing with the commitments.

This is from a backgrounder that was given to the Ontario Campaign for Action on Tobacco in early 2003. They were given, both early in 2003 and then again during the election campaign, campaign documents and background material with costing attached to the commitments.

The first one has to do with cigarette tax increases. The Ontario Liberal policy that was articulated is: "Increase cigarette taxes by \$10 a carton to bring us up to the Canadian average. This increase would bring in approximately \$750 million in revenue for health care"—I stress the words "for health care." This was part of the backgrounder that was released to the media.

Let's take a look at those tobacco increases so far. There was an increase in the tobacco tax just prior to the 2004 budget. It was an increase of \$2.50 a carton. The estimated increase at the time was about \$90 million. In fact, the Ministry of Finance confirmed for us last week that the revenue that came in from that tax increase actually turned out to be \$110 million. That's the first tax increase.

The second tax increase in tobacco came in the 2004 budget, where the tobacco tax was increased by another \$2.50 a carton. The projected revenue from that change in tax is about \$110 million again.

In January 2005, there was a third increase of \$1.25 a carton. The Ministry of Finance confirmed for us last week that they estimate that the new revenue to come in with that change will be about \$52 million.

In essence, we're looking at about \$272 million in new revenue coming into Ontario with these three tax increases.

Mr. John R. Baird (Nepean–Carleton): How much did they spend on compensation for farmers?

Ms. Martel: I'm going to get to that.

I raise a couple of questions. I'm looking at the Liberal backgrounder that says that this is going to bring us revenue for health care. If you look at the release for the third tax increase on January 18, it says, "As part of its Smoke-Free Ontario campaign, the Ontario government will increase tobacco taxes by \$1.25 per carton as of midnight tonight, Finance Minister Greg Sorbara announced today." I ask you this question: Since this money was supposed to be used for health care, did you see a dedicated fund set up so that these tax increases in tobacco—

Mr. Baird: I brought in an amendment, and they voted against it.

The Deputy Speaker: The member for Nepean–Carleton isn't in his seat, and he's out of order.

Ms. Martel: —could go into a dedicated fund for health care? I haven't seen that. I'm waiting for that. I'm looking forward to it. As you read the election promise from the Liberals, you would anticipate that that's where the money is going to go—not just the \$272 million in new revenues that's coming in now, but the bulk of the \$750 million that's going to come into the province when you move to a \$10 tax on a carton. But I haven't seen any dedicated fund for this tobacco tax money to go into, to ensure that money goes to health care.

I haven't seen any of that money targeted to deal with the government's commitment to have \$50 million for farmers who are feeling the effects of downsizing in tobacco production. That was a commitment as well. I haven't seen any of that money go there.

I haven't seen any of the money go to a number of the activities that the government said they were going to bring in as part of their overall tobacco strategy.

So I say tonight, you've had three increases in provincial taxes alone on tobacco. You are raising \$272 million as a result of those three tobacco tax increases. It seems to me that the government has more than enough money to pay out the \$50 million that it promised tobacco farmers and to make good on a number of the commitments it made to those smokers who are looking for help from this government to quit. You've got more—more, more, more—than enough money to do all that.

1910

I guess the question that needs to be raised tonight with the government is, why is it that you choose not to commit that money to health care, like you promised you were going to in a dedicated fund, or why are you not making good on those election promises you made with respect to both farm families and people who are trying to quit. I put that out there to the government because there is certainly more than enough money to do it. The

question is, why haven't you been committed so far to doing that?

That's what the government talked about in terms of the increase in tobacco taxes and where the money was supposed to be going. The government also said that they were going to "launch a massive anti-smoking media campaign by youth and for youth ... launch an enhanced mass media and public education program to prevent young people from starting to smoke and to encourage those who smoke to quit. Youth themselves will play a key role in developing new media and public education strategies."

I have been trying to find out just how much the media campaign that is underway by youth has actually cost—the stupid.ca campaign—because the Liberals actually promised \$31 million a year for a youth mass media campaign; \$31 million. In the first year of the tobacco strategy, the government was going to commit \$31 million to a youth mass media campaign.

I am all for trying to ensure that young people don't start smoking. I'm absolutely in favour of that. My only question is, how much is the current campaign really costing the government, and is it anywhere near the \$31 million that the government actually promised before the election? I think there's probably a pretty significant gap between the amount of money the government is putting out in the current campaign, called stupid.ca, and the amount of money they actually promised. I hope that somebody tonight in the room is going to tell me exactly how much money is being spent on that campaign so we can know what the difference is, and maybe we can get some idea about what else the government is going to do to deal with youth in terms of the promises they made.

The government also promised that they were going to give support for smokers to try to get people to quit. They said the following in a backgrounder: "A comprehensive smoking strategy cannot ignore those people who are addicted to cigarette use. As cigarette use becomes a less-normal or desirable practice, addicted smokers need to know that they will not be left isolated and without support. Effective cessation strategies include brief advice from medical providers, counselling and drug therapy." I agree with that. I am in favour of that. The ban alone is not going to allow people to stop smoking. We really need to be proactive in our support for people who want to quit. How much money did the government promise in year one, which is this year, in their tobacco control strategy to aid smokers in quitting? They promised a total of \$46.5 million in the first year to help people quit. Here is the breakdown: telephone-based cessation programs, \$3 million a year; promotion and supportive primary care cessation counselling, \$3 million a year; primary care cessation services, including counselling, \$12.5 million a year; smoking cessation medication subsidization, \$25 million a year. That's this year, year one of this strategy.

How much has the government actually allocated to support people who are trying to quit? Well, we do know that the government has put \$1.5 million into an adver-

tising campaign to encourage people to use the Smokers' Helpline. On January 19, the Minister of Health launched a province-wide print advertising campaign to promote the Smokers' Helpline—the cost of those ads, \$1.5 million—to motivate smokers to quit by directing them to call the Smokers' Helpline if they need help. Callers to the helpline receive smoking cessation advice, self-help materials, support and referral.

It's important to note that the Smokers' Helpline was already in existence and has already been funded by a number of governments. So the next question is, how much additional funding was provided to the Canadian Cancer Society, Ontario division, to support increased efforts in this regard? Well, they got \$250,000 in new funding to extend the hours that the Smokers' Helpline is open.

I have no problem with that. I don't. But I've got to ask you to compare that commitment to help people to stop smoking—a commitment of \$1.5 million for ads, and an additional \$250,000 to increase the hours of service offered by Canadian Cancer Society staff and volunteers on the helpline—to the amount of money that the government promised in year one. That amount of money, I remind you, was \$46.5 million. For telephone-based cessation programs alone, it was \$3 million. Well, we haven't even hit that, and we're pretty close to ending year one of the tobacco strategy.

I say this to the government because there are other organizations who have been involved in helping people try to quit. We searched the government Web site to see if, as part of its commitment of \$3 million, perhaps the government was also funding other organizations that were really going to aid and assist people who want to quit smoking.

We know, for example, that the Lung Association has a Clear the Air campaign. We couldn't see anything on the government Web site to point out they might have received some additional money, as promised by the government, to help people quit.

We looked at the Heart and Stroke Foundation, because they run a media campaign as well to encourage people to quit smoking, but we couldn't see additional government money to the Heart and Stroke Foundation to help them out in their particular efforts.

We know as well that there is a program called the clinical tobacco intervention program. It is run jointly by the Ontario Medical Association, the Ontario Dental Association and the Ontario Pharmacy Association. We looked on the government Web site to see if perhaps that program had received some additional funding from this government to help people who want to quit, and we didn't see anything there either.

The best we could find in terms of the government actually meeting some of its commitment with respect to allocating money to help people quit was an allocation of \$1.5 million for ads and another \$250,000 to increase the hours that the cancer society operates the Smokers' Helpline.

From my perspective, that falls far, far short of the commitment the government made for year one of its

tobacco strategy, and it falls far short at a time when the government is bringing in about \$272 million in new revenue through its tobacco taxes, which were supposed to be used for health care. That's a significant shortfall and says to me that the money that's coming in as revenue from tobacco tax is not really going to health care; it's going right into the consolidated revenue fund to pay for other expenditures by this government, and those don't seem to include health care.

Now, let me look at the smoking cessation medication subsidization, because the government promised that in year one it would spend \$25 million in this area to subsidize medication to help people to quit. You know what? We haven't seen any government announcement with respect to this government doing anything to assist people who need help with medication costs to quit.

There are, it is true, a number of people who might be fortunate enough to be in a workplace where the employer might subsidize some of those costs. There's a lot of people who are hanging out there who don't have any coverage from any source for some of these therapies, which can be quite costly. Where is the government commitment? Where is the government money?

Let me read into the record an e-mail we got—actually, it was sent to the Minister of Health, and we got a copy of it—from somebody who is trying to quit, asking, “Where is the help?” It was sent January 30 to the Minister of Health. It says the following:

“Recently, the Ontario government has been trying to get people to quit smoking by raising the cost of cigarettes. First of all, I would like to say that if you're going to raise the price of tobacco to get people to quit, you should do it by more than 13 cents a pack. To be honest, it looks more like a cash grab than a motivation to get people to quit. What I really want to know is this: If smokers are more of a burden on the health system as a result of our medical problems throughout our lives, then why are smoking cessation products not provided as part of OHIP? I am 22 years old and have tried to quit smoking several times. I do not have any additional health care coverage and I can't afford the patch. I want to quit smoking, but for me it's really hard. I don't have any extra money at the end of the month” to make those choices.

1920

That's just one letter that I've seen a copy of from someone who is trying to quit, who says, and rightly so, “Where is the government support for me and others like me who are on a low income, who don't have coverage through our employer to cover some of this?” Even with a lot of the insurance plans, there are limitations both in terms of caps and timelines on people who are trying to quit smoking. Where is the money that the government promised to help people like John Alexander of Hamilton, Ontario, who is 22 years old, who is addicted and who wants to quit smoking? Where is the help for him and many others like him?

If you look at the cost of some of these therapies, they are really expensive. I thought the government was going

to allocate these funds because they recognized how expensive some of these therapies are. I don't pretend to have intimate knowledge of these things, but we did take a look at some of the things the government could do, for example, if they wanted to really help people. As I said, the cost for some of these interventions can be pretty expensive for a number of people, especially if you're on a fixed or a low income or your employer doesn't have any coverage. For example, if you look at nicotine replacement therapies like the patch or gum, the patch itself, if you buy it over the counter, is about \$30. The gum purchased over the counter—and there are different brands—is \$20 to \$40. You can't take that just once, of course. If you look at some of the most effective strategies and how long it will take, you've got to be using these replacement therapies several weeks to several months. That's a very serious investment, both in time and self-discipline, but frankly in financial cost, for someone who is trying to quit.

Another product that has been used by a number of people is called Zyban, which was approved by Health Canada in 1998. It is a non-nicotine-based medication for quitting smoking. It's also the only government-approved stop-smoking aid in pill form. In our calls to pharmacies today, we were told that 60 tablets of Zyban cost about \$73.32, but you're not going to get away with just the 60 over the time that you try and quit. You have to make an investment of seven to 12 weeks after the day you actually quit and 14 to 17 days before you make that decision to quit. So you're talking a significant commitment of anywhere up to 14 weeks, so that cost of Zyban is probably double. For a lot of people, that's just not an option anymore. They don't have that kind of cash at the end of the day to purchase that medication at their pharmacy.

You could look at other interventions as well, and I don't know why the government hasn't done this. Any number of people who are very serious look at hypnosis or acupuncture. Some of the costs that we found out about today with respect to hypnosis are anywhere from \$50 to \$90 per session, which is a major commitment, or for acupuncture, the whole therapy or whole regime around acupuncture is anywhere from \$200 to \$400. I've got to tell you, a lot of folks out there who really do want to quit are not in the ballpark when it comes to being able to afford those kinds of coverages.

I thought, when the government talked about allocating \$25 million a year to subsidize medication to help people quit, that they were talking about some of these therapies and interventions. But year one of the tobacco strategy is almost over and there hasn't been any allocation—not \$25 million, not \$1 million, not a penny—to subsidize medications that would really help people quit. I don't know why the government hasn't brought that forward, especially in light of the bill that's before us tonight.

But it's not just the medication. There are any number of other interventions the government could cover if they really wanted to do that as well. There are lots of com-

munities out there that have put together, for people who are trying to quit, a full compilation of all the programs, agencies, physicians, reference material and stuff on-line that people could access if they are going to try to quit.

We just pulled off the Internet today a document that was prepared by the Windsor-Essex County Health Unit in 2003. In their executive summary it says very clearly: "The purpose of the guide is to provide you or someone you know with a starting point to get help. We have included a wide variety of aids, programs and procedures, because experience has shown there is no single form of help that works with everyone. We leave it to you to use your best judgment and experience when deciding which method might work in your case."

It goes on to a very extensive listing of everything that could be available to people who live in the Windsor area—both in Windsor and in Detroit, Michigan—to try and help them: acupuncture, aversion therapy, cigarette substitutes, computer-based resources, counselling services—group, one-on-one, telephone counselling—self-directed programs, drugs and nicotine replacement therapy, employee programs, relevant health care agencies in Windsor and Essex that help people trying to quit, help lines, herbal therapy, hypnosis, laser therapy, media resources, naturopathic resources and even school programs. That's just from one district health unit.

The reason I raise this is if the government is looking for something they can fund in order to help people quit, they don't have to go very far. This is one public health unit. These are the resources that are available. I suspect if you went through those resources, you'd find there isn't very much government money in any of them, that the agencies and employers are funding this themselves, that there are private practitioners who are offering something, but that something is too expensive for too many people to actually access. I thought this was the kind of thing the government was talking about when they promised to spend \$25 million to subsidize medication or therapies to help people quit.

The point I want to make is that there is no limit and no end to both the medication that the government could be subsidizing to help people quit and the agencies, resources and groups that the government could help fund to help people quit. The real question is why, after promising \$25 million in this area, you haven't spent a penny to help people to quit.

I repeat what I said at the beginning: The ban that comes forward in this legislation is not, in and of itself, going to help people quit. There are any number of people who want to, who have tried all sorts of interventions, who would like to try all sorts of interventions but can't afford them, who won't be able to quit without government support. You should have been bringing in this support at the same time as you were bringing forward this bill. The question is, why haven't you?

I want to move on to the next commitment that was made, which was a significant one, to farm families involved in tobacco production. Here is what the Liberal Party said in its background document with respect to its tobacco control:

"Ontario Liberals understand that government must have a responsible policy when it comes to the economic impact anti-smoking initiatives have on the areas where tobacco growing is a major contributor to the local economy. Our community transition fund will help tobacco farmers find an orderly exit from the tobacco industry and allow them to pursue other agricultural opportunities. Ontario Liberals understand that as long as tobacco use remains legal in Ontario, there will be a market for an Ontario product, but as consumption declines, the economic impacts on communities and individuals cannot be ignored. We understand that the dependence on the tobacco crop and the jobs it creates in certain regions of Ontario is strong, and this transition must be done in an economically viable way."

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Here is the Liberal policy articulated in the election period. I'm quoting again:

"We will establish a community transition fund as the provincial government's initial commitment to the first phase of a strategy to allow farmers to use their land differently. We will work to secure the support of the federal government to be a partner in this investment into communities that rely on tobacco production.

"As part of our commitment to research and marketing Ontario's agriculture and agrifood products, we will implement a second phase of this strategy to help find viable alternative crops and uses for the land currently used to grow tobacco. Implementation must be gradual after extensive consultation, in order to ensure the health and success of our entire agricultural industry."

So the commitment in the election was for a phase 1 and a phase 2, was to get the federal government involved, and the amount dedicated to the community transition fund, as proposed by the Liberals, was a \$50 million, one-time investment. I see that \$50-million, one-time investment as a response to phase 1, short-term assistance, with a second allocation coming in phase 2, as you really try to help farm families involved in tobacco production move to something else.

Now, how much money has been allocated to farm families to date by this government? How much money has been allocated to the community transition fund? The answer is, not a penny, not a dime, not a cent, not a dollar. Nothing has been allocated to meet this election commitment.

What is very clear is that farm families involved in tobacco production have already seen really serious problems in their industry and have been lobbying the government for some time to do something in response to the decline of their industry.

This was a letter sent to a number of ministers on December 4, and I want to read some of this into the record. It's from the Ontario Flue-Cured Tobacco Growers' Marketing Board. It reads as follows:

"Dear Minister:

"I am writing today to brief you about the crisis facing Ontario tobacco farmers, and to forward you our

proposals for short-term action to alleviate the hardship that is facing them.

"Our board represents approximately 1,000 farm families throughout 12 counties primarily in south-western Ontario. Tobacco farming sustains nearly 7,000 full-time equivalent jobs in Ontario and nearly \$500 million in direct, indirect and value-added economic activity....

"We have been working to encourage the province of Ontario and the federal government to provide transitional assistance for tobacco farmers since 2002. In May of 2004, the federal government announced a three-part plan to help tobacco farmers: financial assistance for farmers for whom tobacco growing is no longer viable; skills and development tools for the industry; and a commitment to monitor imports of foreign-produced tobacco to identify changing trends in international tobacco marketing.

"Federal Agriculture and Agri-Food Minister Andy Mitchell recently reaffirmed the federal commitment and has set aside \$67.1 million for a tobacco adjustment assistance program.

"In the 2003 election campaign, your party"—the Liberal Party—"committed \$50 million in its election platform to '...establish a community transition fund ... with increased tobacco tax revenue, to help farmers move away from growing tobacco.'

"Unfortunately, and despite recent announcements of a series of anti-tobacco measures, including higher taxes, that commitment has yet to be fulfilled.

"At the same time, the Quebec government has announced its plan to participate in funding exiting tobacco farmers. Quebec has committed \$10 million to retire tobacco-specific farm equipment from its 56 tobacco farmers as its contribution to the federal buyout program. After this year, it is unlikely that Quebec will produce any tobacco at all.

"The federal government is proposing to run a quota buyout program and, in the interest of fairness, it is intending to pay the same quota price to both Quebec and Ontario farmers.

"The net result of this scenario is that Quebec-based producers stand to benefit from the federal-provincial cost-sharing ... but Ontario farmers will not, under current conditions....

"In recent days we have met with a number of your colleagues to explain our predicament. Until the provincial government announces its intentions, the federal program that has already been announced and is ready to be implemented is being stalled. We are now turning to you to seek your active support. We are asking you to support three main principles and actions:

"(1) an acknowledgment that help is urgently needed for Ontario tobacco producers;

"(2) equitable treatment for Ontario producers in the form of a payment to retire tobacco-specific equipment, as is being done in Quebec;

"(3) the commencement of discussions on how longer-term solutions can be developed for exiting tobacco farmers using increasing tobacco tax revenues."

The farm families in Ontario who are involved in tobacco production have heard nothing from this government: nothing with respect to this letter of December 4, nothing with respect to the commitment the government made during the election campaign—and I assume any number of farmers voted for the Liberals because of that election campaign. They have heard nothing from your government about this community transition fund, about phase 1, about phase 2 or about any involvement from your government in bringing the feds on board or in having a longer-term strategy developed to try to move people out of tobacco production. And they've heard nothing from you at a time when tobacco revenue, after three tax increases, stands at \$272 million—the same tobacco tax revenue that was supposed to be used to support a \$50-million transition fund to help farm families involved in tobacco production.

Where's the money? Where's your commitment? What are you going to do for the 1,000 farm families involved in tobacco production and the 7,000 farm workers who are primarily employed full-time in this industry? Where's your commitment? You've got the money. What are you doing to respond to the promise that you made in the last election to help people exit this industry?

You see, it's going to be a real challenge for people to move out of tobacco production. I just want to give you one example of an individual who agreed that I could use his information. John Dumanski—I hope I've got that right—is a tobacco farmer who did try to move to an alternative crop. He tried to work in soya beans. The cost of his production was \$6.85 a bushel; he's getting \$6.15 in sales. So he's producing soya beans and he has a loss every time he does that. That's clearly not an alternative market that he wants to stay in very long. He also tried cucumber production. For the last two years, he has been growing cucumbers and selling them to a major food organization that I will not name because I'm not sure he wanted me to do that. He has just been told that he has lost that contract with that company because they are looking for cheaper imports of cucumbers from somewhere else.

This is someone who has tried to use his land in two different areas of production, having a loss in the first one and completely cut out now in the second one, because the supplier is going to bring in cheaper imports from somewhere else. I think that is a situation happening to many farmers involved in tobacco production.

You have a short-term fund which they need now to deal with their short-term problems, but you've got to make a commitment to a longer-term strategy to help all of these farm families move to something else. And it's going to be a longer-term strategy, because that move is not going to be easy.

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We haven't seen anything with respect to a government commitment to the longer-term strategy. We

haven't seen anything with respect to the 50 million bucks that your government promised during the election when you were out looking for votes among Ontario farmers. I again remind people in the government who are here tonight, it's not like you don't have the money; you sure do. You've got a lot of money and more to make this happen. You need to be responding now to the crises for these farm families.

I just want to add up what the pre-election commitments were and what the government's actually spending on tobacco this year. I talked about the number of commitments they made with respect to a media campaign, with respect to smoking cessation programs, with respect to the community transition fund. Do you know that during the election the government promised it would spend \$140 million in the first year to implement its tobacco control strategy and \$90 million in the second year? That's additional new dollars.

Right now, the revenue coming in from tobacco tax is probably in the order—well, if I don't even count the last one, it's \$110 million and \$110 million, so it's about \$220 million. I won't even consider the last tax increase—\$220 million. How much was actually allocated in the budget for the government's tobacco strategy this fiscal year, 2004-05? The answer is \$31 million; \$31 million was the sum total of money that the governmental allocated to its tobacco control strategy in fiscal 2004-05, after promising \$140 million in year one and \$90 million in year two and after bringing in at least \$220 million in the tax increase before the 2004 budget and the tobacco tax increase listed in the 2004 budget.

I say again it's not a question of money. It certainly is a question of whether or not you're going to live up to the commitments you made with respect to those people who want to quit and farm families who need your support, and I'm wondering when the government is going to do that.

The last issue I want to deal with has to do with those businesses who complied with smoking bylaws in their own communities, smoking bylaws that are now in effect, who made an investment in designated smoking rooms and made that decision based on the time frame they thought they had as a result of the municipal bylaw and who are now going experience some substantial change and I think substantial hardship because of the legislation we are bringing forward.

Let me just give you one example. This is a letter that was written December 15, 2004, by Judy Hill, who is the owner of Taps Tavern and Eatery in Hamilton, Ontario. It says the following:

"As a bar owner, I would like to speak for others in my situation. June 2004, I followed the municipal laws and put a designated smoking room in my establishment. After taking many factors into consideration, such as cost, feasibility, customer demand and competition, I went forward with the DSR. I am now legally following every step the bylaw stated, entitling me usage until May 31, 2008....

"What will happen to my investment in this room? I can justify spending that large amount and consider it an

investment when I look at it over a four-year period"—to recover the cost—"but how can any form of government expect me to justify"—and recover—"that cost over seven to eight months"—it's a little longer, because the government wants to bring this in May 31, so 15 months—"especially after following the laws to the letter to implement it? Who will compensate me for the loss?"

I was at the press conference when this bill was announced. In response to media questions, the minister rejected any notion of compensation for those established owners who did modify their establishments to create designated smoking rooms, who are now in compliance with those same laws and who spent, in some cases, considerable amounts of money to create those rooms, believing that as a result of the bylaw they would have time to recoup those costs.

We are talking about people who are complying with the current law and who now see the current law being changed by a provincial law which does have a financial impact on their businesses. If you thought that the cost of your changes was going to be recovered over a four-year period and now you're finding out that it's going to be over a 15-month period, I suspect there are any number of establishments out there, and owners of those establishments, who are looking at a serious financial loss and staring that in the face. I think that will be a difficult challenge for a number of people in those communities where a 100% ban is not in effect.

I think the government should think about this matter again, because the government has provided compensation in the past to owners of businesses who have been affected by provincial law. It happened under the Conservative government in February 1999, when the former Conservative government decided that it would ban the spring bear hunt. They did that while many of the people who run tourist operations in northern Ontario were actually in the US at trade shows, taking money from people who were going to come to their establishment to be a part of the hunt.

Both opposition parties at that time, New Democrats and Liberals, were very clear that because the government had cut the livelihood out from under any number of tourist operators, the government of the day should compensate those tourist operators who were affected. The government of the day did that. There were lots of complaints raised about the nature of the package and how extensive it was, but the fact of the matter is, that government at that time did put forward a compensation package to assist those who had been directly affected by a change in provincial policy that had directly affected their livelihood.

I think the government should consider that precedent. We're not talking about the entire loss of livelihood for a number of these owners. I'm not even suggesting that. I am suggesting you take a serious look at the costs that they incurred and will not be able to recover because of the shorter time frame now involved, as this provincial law to ban smoking supersedes the municipal law that was in place at the time they made that investment deci-

sion. I think that would be the right thing to do, because otherwise any number of people will find themselves in a serious financial position that they shouldn't have to be in.

Let me just conclude by saying this is a health issue. The research is overwhelmingly clear. I didn't debate the research tonight because for me there is no question about the links between tobacco use and addiction and premature death. But I do want to say that the government should realize all of the other commitments it made with respect to the tobacco strategy, and they should be doing that at the same time this bill moves forward.

The Deputy Speaker: Questions and comments?

Mr. Phil McNeely (Ottawa—Orléans): The member for Nickel Belt dealt with those who are hopelessly hooked on cigarettes and with transitional funding for producers and other important issues. In the two minutes I have, I would like to deal with the youth in our communities.

Last Thursday I had a visit from 15 students from three high schools in Ottawa—Orléans: Lester B. Pearson, St. Peter's and Gloucester High School. These young people had a total of 2,447 postcards which were sent to our government. They were brought into my riding office, and they read: "I support a smoke-free Ontario in 2005. The rest of Ontario deserves clean air, just like Ottawa. J'appuie un Ontario sans fumée en 2005. Le reste de l'Ontario a le droit à l'air pur, tout comme Ottawa."

These young people were asking us to ban displays of tobacco in retail stores. That was the main message that they gave to me. The Tobacco Control Statute Law Amendment Act, 2005, would not permit the countertop display of tobacco products in retail stores. It would not allow a display of tobacco products that permits the handling of tobacco products by the purchaser. It also would not allow the display of products or material promoting tobacco except in accordance with the regulations.

Why are those three so important to these young people? Studies have shown that the point-of-purchase displays increase average tobacco sales by 12% to 28%. Saskatchewan had the same ban in their legislation, and the Supreme Court overturned it, but on January 19, 2005, the Supreme Court of Canada upheld the Saskatchewan law to ban displays of tobacco and found that the law was not in conflict with the federal Tobacco Control Act. There are several countries who already have this legislation: Iceland, Ireland, Australia and New Zealand. I ask you to support—

The Deputy Speaker: Thank you. The member from Haldimand—Norfolk—Brant.

Mr. Barrett: This debate on Smoke-Free Ontario is valuable. People are beginning to see and better understand where the Liberals are coming from, and the opposition's position with respect to farmer compensation and offered solutions around ventilated designated smoking rooms, for example, and now, of course, what I consider the thoughtful analysis of this legislation by the NDP, the

member for Nickel Belt. Again, as with yesterday, the NDP joined the PCs in asking why this government has broken its promise with respect to compensation for Ontario's farmers—I see at least 15 farmers in the members' gallery this evening—and also raised the issue of compensation for the hospitality industry.

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In addition to explaining and discussing the plight of farmers, the member addressed other issues: convenience stores, native reserves, restaurants, as we've mentioned, and Royal Canadian Legion halls and the complete lack of consultation with our veterans.

As we know, this government has declared war on tobacco and it has declared war on the families, the businesses that rely on tobacco for their livelihood—again, bars, restaurants, bingos, casinos. These people didn't ask for this war; war has been declared. This is serious. Reluctantly, these groups are now being forced to mobilize for war, not with guns, but with briefcases, as they have explained to me; with their tractors on the 401 and soon, coming to this precinct, to the Legislative Assembly. Stay tuned, in particular, members opposite. People are mobilizing and will descend on Queen's Park March 2 and March 9.

Ms. Churley: I'm pleased to spend a couple of minutes responding to my colleague from Nickel Belt, the NDP health critic and mother of two young children. I would suspect that most, if not all, parents today, unlike perhaps when we were growing up in our generation, where adults actually smoked around us, have come to the conclusion that smoking is bad. We certainly don't want our children, pure and simple, to smoke or be in a room where people have been smoking.

I am glad Ms. Martel brought up the issue around private daycare. It's absolutely critical. I don't think anybody, even people who still want to smoke or can't quit or whatever, would disagree with that premise. Where there are children—if there is a child care centre in a private home—there should be no smoking within that home. All the evidence is clear now, particularly for children who are suffering from asthma and other respiratory diseases, it can linger in the air for a very long time. So that is a no-brainer.

I too want to talk for a couple of minutes about the farmers who are with us today. I just went through the greenbelt public hearings. We are finding out more and more about the social determinants of health, and more and more governments are starting to act on those, bringing in laws, which generally I think everybody supports, making it harder and harder for people to smoke. Most people want to quit and that's why it's important that the resources are provided from the government to help those people who do want to quit. As to the farmers, they have been caught up in these changes in terms of the greenbelt and our need to stop urban sprawl. They've been caught up in our need to curtail tobacco sales and they do need some help and assistance from this government in both of those areas.

Mr. Peter Fonseca (Mississauga East): This is legislation that we should all be proud of: building a healthier

Ontario. The one fact is that smoking kills. It kills 16,000 Ontarians every year. Over 40 people a day here in Ontario die from the harmful effects of tobacco smoking.

The member for Nickel Belt spoke eloquently about this legislation and mentioned many of the different stakeholders that will be impacted by this legislation. I could tell the member for Nickel Belt that, charged by the minister, I have been asked to meet with all those stakeholders. I have met with restaurateurs, bars, entertainment venue owners, bingo halls, casinos, hotels, the farmers, Legions. I have met with all stakeholders. Tens and tens of stakeholders have come through my door. It has been an open-door policy, and I look forward to this bill going to committee and being able to meet with more stakeholders across the province.

I could say that when we met with the Legions and with the different stakeholders—there are many Legions across this province that have asked us to please make sure this legislation will encompass Legion halls. I've spoken to the member for London West, who has brought that forward to my table, and also the member for Niagara Falls. Both their Legions have asked that this legislation make sure that Legions are also going to be smoke-free.

Within this legislation, much has been done around prevention, through our Smokers' Helpline, through working with the OMA, the Ontario Pharmacists' Association and the Ontario Dental Association, all working in partnership to make sure we have a healthier Ontario. This is something we all should be proud of.

The Deputy Speaker: The member for Nickel Belt has two minutes to reply.

Ms. Martel: I thank the members for Ottawa—Orléans, Haldimand—Norfolk—Brant, Toronto—Danforth and Mississauga East for their responses.

I think I'll just go back to where I started at the beginning. In Ontario in 2005, really, it's a minority of people who do not accept or do not want to support the fact that smoking should be banned in workplaces and public places. It's a minority, and that minority is getting smaller and smaller. I think the government is right now, frankly, catching up to a number of municipalities that have already recognized that, that have had that debate and have moved to action to implement those activities that would put in place a 100% ban. I talked about my own municipality, which as early as May 2003 was implementing smoke-free workplaces and public places.

I think where we are right now, as the government catches up on this issue, is at a position where we need to recognize that it is going to be a challenge. As I said earlier, we can either be a part of minimizing that challenge for a number of groups or we can just make that challenge even worse. It is my hope that we are going to be in a position where we try to minimize those challenges as much as possible.

Having a ban in and of itself is not going to help people quit. The government needs to bring forward the money it promised to help people who want to quit. We promised significant amounts of money; virtually none of it has come forward. You need to do that.

You need to respond to the commitment you made to farm families in Ontario who are involved in tobacco production. This is a group that's already in crisis and has been for some time. You made a specific commitment; live up to it. I've asked you to consider those people who, in good faith, paid for designated smoking rooms, and look at compensation. You need to do that. You have more than enough money through the three tobacco tax increases to implement what you promised. I urge you to do that.

The Deputy Speaker: Further debate?

Mr. Ted McMeekin (Ancaster—Dundas—Flamborough—Aldershot): I will be sharing my time with the member from Etobicoke Center.

Interjection.

Mr. McMeekin: Well, there you go.

There are a lot of stats one could get into, but I want to take a little different approach. John F. Kennedy, when he was elected to the White House, the first day he was in office, was asked what his biggest surprise was. He said, "The biggest surprise I had when I got into office was that things were actually just as bad as I said they were." I think as we talk about resourcing various programs, we need to keep that in mind. We have come into some pretty interesting times.

I'm not going to quote the 16,000 deaths per year or the \$1.7 billion in direct health costs. I don't want to go there. I don't want to talk about our threefold objective being prevention, cessation and protection. I don't want to talk about young people in particular and the concerns I have as the parent of three teenaged girls, trying to discourage them from starting to smoke, and others who have started quitting. I don't want to talk about any of those things tonight.

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What I want to do is share a little story with you, and it's a true story. I'm a very lucky man, unlike my father, who died in 2004 of lung cancer from smoking. One of the last things he said to me before he died was he wished he'd quit smoking 40 years ago. By the way, I want to say to my good friends in the Legion out there that my dad picked up the habit of smoking when he went overseas as a 16-year-old. It was the federal government that was sending these cigarettes over to him—free cigarettes. Maybe there ought to be some consideration of a class action suit of some sort with respect to that, because I think it played a significant role in my father's addiction—and perhaps not mirroring everything my father would like, my sister, a 30-year smoker, also died of lung cancer.

I said I was the lucky one; I want to explain that. I quit smoking when I was eight. It's a true story. I used to steal my mom's cigarettes. I used to hide them in the basement, under the wooden veranda. I'd go down and smoke about two packs a week. My mom discovered that she was missing her cigarettes. It's true. She didn't take me aside or get Dad to give me a licking or anything like that. She set up a medical appointment with old Dr. Harvey on Ottawa Street North in Hamilton. I was down

there at Dr. Harvey's office with my mom, and Dr. Harvey said, "Mary, I wonder if you'd leave me alone with little Teddy for a minute." I hated when she called me "little Teddy." She said, "Oh, doctor, is something the matter?" She went out looking very worried, and I was scared. He listened to my chest—it's a true story—and he said, "Little Teddy, you've been smoking, haven't you?" I said, "Oh, Dr. Harvey, how can you tell?" He said, "Well, I can hear it in your chest." He said, "Let's see"—he had one of those watches with the dates—"today is Tuesday. If you don't quit, you'll be dead by Friday." I never smoked again in my life.

I don't know if Dr. Harvey received OHIP payment for that call. I don't know how that piece of ancient history would rate today in terms of medical practice. But I've got to tell you, he was the best damned family physician an 8-year-old kid could have had. He did more for me in those few moments—and when I was 23 and in university, I went back and said, "Is Dr. Harvey here?" "Yes. Who is it?" "Just tell him that little Teddy's here." I went in and I thanked him, because I've never smoked a day again. That was great medical practice, and it took some courage. If he did that today, he might be sued for some kind of bad practice.

Hon. David Ramsay (Minister of Natural Resources): Did he give you any new advice?

Mr. McMeekin: Do you know what? He was an example to me as a kid. Maybe that was part of why I ran for office and as a 29-year-old sponsored the first anti-second-hand-smoke legislation in Hamilton. It was immediately thrown out of court. Maybe that's why I got involved in the Lung Association and tried to do something to fight emphysema and asthma back in those days—real killers.

Maybe today I can just pause, remembering him and others who have courageously exemplified the kind of leadership that has been so desperately needed in this province for so many years and that has been so lacking for so many years from the parties on the other side of the House. I just want to say thanks to the Dr. Harveys of the world, the people who cared, the pioneers who are out there fighting on this public health issue.

I believe this is probably the single most important initiative our government has taken since we've been elected. I'm proud to stand in my place and remember some of the saints who went before us.

The Deputy Speaker: Further debate?

Mrs. Donna H. Cansfield (Etobicoke Centre): I am pleased to be able to stand with my colleague.

I would, in fact, like to speak about the youth. I know that the vast majority of people in Ontario abhor smoking. The fact of the matter is that it is a majority. Unfortunately, the vast majority of our youth are looking toward smoking, and it's something, especially with young women, that we need to deal with.

I'd like to draw some attention to the Florida Truth campaign. It's a preventive type of campaign that was put in place by the Florida state government, and one of the reasons why was—and I don't think our nation is

particularly different from theirs—that 36% of the children in the United States smoke. That's up one third from 1991. When they looked at the statistics as to why, they found that presentation, displays and encouragement through advertisements were part of the reason why children were encouraged to participate in smoking. I don't think that's any different here for our children. I think they are susceptible to the same type of advertising, the same types of displays, and certainly can succumb to the same kind of encouragement to smoke.

Interestingly enough, when they did some work they discovered, when they asked the students, that over 70% of middle-school students, those in grades 6, 7 and 8, had tried smoking. Of those, they estimate that probably somewhere around 32% to 33% would continue to smoke. So they actually went to the teens themselves and talked to them about what it was they needed to do to get them to think differently about smoking. Their success is that in two years it dropped from 18.5% to 8.6% for the younger children, and from 27.4% to 20.9% for the older students. This Florida Truth campaign actually engaged the students themselves in how they could make a difference with their peers in encouraging them to stop smoking.

Part of it, of course, is an attitude. Once you get hooked on cigarettes, it's very hard to stop. If you're obsessive in that behaviour, you have to think about what other types of behaviours students are obsessive with. The encouragement to continue smoking, because it is a lifestyle, whether we care to admit it or not—it actually kills our children or it produces low birth weights in the children the young women have. It's something we need to consider seriously, and the idea of prevention makes far more sense to me. That's part of what this bill can actually do.

When you sit down and talk to the youth and you ask them, they'll tell you that a lot of them aren't sure why they smoke. They're not sure why they really got into the habit of smoking except that their friends do it. So using that same understanding and premise, you can say, "Well, what about those who don't smoke? How could you encourage those peers not to smoke? What is it you need to do? What kinds of campaigns do you need to be put in place?"

Fortunately, Florida won a landmark \$13-billion settlement from the tobacco companies, of which \$200 million had to be put into this type of program. But I think what's really important is that instead of taking an adult perspective on how to initiate this type of program, they actually sat down with the teens themselves and said, "Why do you smoke? What do we need to do to help you make it a deterrent?" whether it be a strong marketing campaign around the buttons, the involvement, the peer pressure, the peer involvement. All of these things took place and the results were absolutely dramatic. The truth of the matter is that during the campaign's first year they made a significant inroad on what kind of difference it made to these young children, and ultimately to the lives they will live as adults.

If any of you have ever been with someone who has emphysema, then you know it's not anything you would wish on anyone. The idea of prevention is so critical in our thinking. It's not once they're hooked; it's to not get them hooked to begin with and what we can do to make a difference in that way. I agree with the Florida Department of State: You sit down and you talk to the teenagers themselves, engage them in that discussion and find out where the rubber hits the road for them, and what we can do to help them stop something that many of them say they don't wish to do in the first place.

The Deputy Speaker: Questions and comments?

Mr. Barrett: In response, again, to the ongoing dialogue from this government on Bill 164, this is a bill, in my opinion, very similar to a number of other pieces of legislation that we'll be debating in this special February sitting of the House. Obviously, I think of the pit bull legislation. I'm sure that for many people in the general populace it seemed like a good idea at the time. Hearings were held, dog owners, veterinary associations, the Ontario Society for the Prevention of Cruelty to Animals, university professors and other experts came forward. I didn't hear an expert come forward in favour of eliminating or killing off that type of dog in Ontario. It seemed good at the time and turned out not to be such a great idea.

2010

Also during this February sitting, it's projected that we will be debating the greenbelt legislation, also known as the green botch. As a goal, it seemed like an admirable one at the time, but this government is unable to pull it off. I attended a meeting up in Caledon East, and I can tell there's going to be trouble when I see red flashing lights outside of a government-sponsored consultation process. I walked inside and there were five OPP officers. It didn't work out.

I raise the question, how is this initiative going to work out? It's taken off in a rather confrontational mode, from a confrontational cabinet minister who, on behalf of this particular Ontario government, has declared war on sectors of the Ontario population: those who are associated with tobacco. How is this going to work out in the end? That's my question.

Ms. Churley: I'm pleased to be able to take a couple of minutes to respond to some of the Liberals' comments. I certainly will be speaking to this bill; I think I'm going to close off the debate tonight. One of the—

Interjection: In favour?

Ms. Churley: Of course, in favour; absolutely in favour. As I said earlier, I don't believe that anybody in this place—I'd be surprised—is in opposition to this bill. But we will continue to point out the flaws in the bill, particularly around—I just have all these letters, for instance, from some of the Legions in my riding and Mr. Prue's riding. They are very, very concerned. They are saying that some of the bingo halls and Legions, particularly the Legions, feel they haven't been consulted. I know you said you did. Some have already agreed that they want to be a smoke-free environment, but there are

others who haven't. At the very least, you need to sit down with them and hear them, and I hope you're going to do more of that.

The other thing I will be reiterating later is, as Ms. Martel pointed out, that we understand from the Ministry of Finance that there is \$272 million in new revenue this year from the carton increase, which we all supported for a variety of reasons. But most of that money is going into general revenue; it's not going into—

Mr. Baird: It's not going into health care or agriculture.

Ms. Churley: It's not going into agriculture. The farmers who are sitting here tonight—and I will be talking about that later. As I said earlier, when you start trying to deal with the social determinants of health, you have to put the money into help those who are impacted by it, and you're not doing that.

Hon. Jim Watson (Minister of Consumer and Business Services): I'm very pleased to rise to speak on this debate. I think that once this debate is over, it will prove to be one of the most proud pieces of legislation that this assembly has passed.

I come from the city of Ottawa. The city of Ottawa passed a comprehensive smoking bylaw that did a number of things. It levelled the playing field throughout the city of Ottawa, which was important. Secondly, it did not cause undue hardship to the hospitality industry. In fact, over 180 new establishments have opened since; a net increase of 180 establishments.

I happen to have the pleasure of being the president of the Canadian Tourism Commission, and I have seen worldwide bans on smoking in Ireland, New York and California, great hospitality centres, and it hasn't harmed. Dr. Rob Cushman, chief medical officer of health in the city of Ottawa, states, "The smoke-free act will prove as worthy as clean-water legislation was 100 years ago and the introduction of the polio vaccine was 50 years ago. This is good, solid public health."

I remember when the debate was going on about Smoke-Free Ottawa, I was explaining to my niece, Olivia, at the time. I said, "You know, several years ago you used to be able to smoke in an airplane," and she looked at me like I had three heads. She said, "How could you possibly have been allowed to smoke in an airplane?" Twenty years from now, we will be going through the same discussion with young people, when people will look at us and say, "Did you actually allow smoking in restaurants when people were eating their meals?"

Mr. Baird: When you were mayor—

The Deputy Speaker: The member for Nepean-Carleton, you'll get your chance.

Hon. Mr. Watson: I am proud of my record as mayor of Ottawa, when we had one of the most comprehensive smoking bylaws, and it was strengthened by the new council. I proudly support this legislation because it's the right thing to do for the health of the people of Ontario.

The Deputy Speaker: Questions or comments?

Mr. Baird: I disagree with the two members who spoke.

The Deputy Speaker: For the final summation, member for Ancaster–Dundas–Flamborough–Aldershot.

Mr. McMeekin: Thank you, member for Nepean–Carleton, for that insightful intervention. I would like to thank the members for Haldimand–Norfolk–Brant, Toronto–Danforth and Ottawa West–Nepean for their—

Mr. Baird: What about me?

Mr. McMeekin: I thanked you. You were first because your intervention was so particularly insightful, whatever it was.

There is an age-old admonition. It's been around since long before the time of Christ, if you want. It's that you don't poison your neighbour's well. I suppose if we pushed out of that, we have public health laws in place in restaurants so that you don't poison your customers' food: Wash your hands. You know what? We're finally at that place and space in our history, thank goodness, when we're beginning to understand that while you may choose to poison yourself, you can't choose to poison the air that somebody else breathes. It's no longer tolerable. In 1978, 1979, when we fought that fight, it was tolerable, I suppose. But there has been a sea change now. That's certainly where we're at.

We're not declaring a war on farmers. In fact, I agree with those who made the observation that we need to come to the table with some assistance. That's part of our platform and I look forward to that happening.

That having been said, we also need to move forward. We know first-hand that second-hand smoke in bingo halls, casinos, bars, restaurants and places where people work, public places, is a threat to employees and is costing human life, and that's what this law is all about. We're not declaring war on anybody. We're declaring peace. We want to see peace.

The Deputy Speaker: Further debate.

Mr. Baird: Thank you very much, Speaker. I know you've been awaiting this with great interest. Before I start my remarks, I'd like to introduce in the staff gallery Regan P. Watts, who is with us tonight, known affectionately around Queen's Park and our caucus as the dapper staffer. Regan is here, if you'd just put your hand up to say hello to everyone.

Hon. James J. Bradley (Minister of Tourism and Recreation): Is Guy Giorno here?

Mr. Baird: Guy Giorno, I say to the Minister of Tourism, is not here, but John Tory is our new leader and he was chief of staff to the Premier. So who knows, in 20 or 30 years, Guy Giorno could be the incoming Premier, much like John Tory.

I'm pleased to have the opportunity to speak to Bill 164, and I did want to preface my remarks. There are some folks in my constituency who support this bill and I would be dishonest if I didn't put their concerns. I would suggest to the member for Ottawa West–Nepean, I'm certainly of late much better acquainted with his riding than he is with mine, so I'll speak for folks there. But a lot of people do support this. Maureen Tourangeau, who lives in Ottawa West–Nepean, is a big worker at the cancer society and she supports it.

Hon. Mr. Watson: A good Tory.

Mr. Baird: A good Tory, like the member for Ottawa West–Nepean used to be. So I'll put that on the record.

I'm a non-smoker. I would prefer to socialize in a non-smoking place, but that's my personal choice, to choose to go into a place that is smoking or non-smoking.

2020

Interjection.

Mr. Baird: Listen, I say to the member for Ottawa West–Nepean. He might learn something. The good God gave you two ears and one mouth.

Ms. Churley: I think he gave him two mouths and one ear.

Mr. Baird: That could be the case.

This makes me think back to when the Dalton McGuinty government ran these TV ads saying, "I will not raise your taxes." I got a copy of it after the election and there was no little asterisk saying, "Except if you're a smoker." They didn't put that. If you check page 87, subsection (b), chapter 38 of their second campaign platform, I think they might have mentioned it. I didn't get one of those in my mailbox and they didn't spend \$4 million on TV ads about that.

So they raised taxes on tobacco, and I thought, "You know what they are going to do with that money? They're going to put it into a segregated fund." So I went to the finance committee that debated this government's tax grab and said, "Of course, you'll want to put this in a segregated fund to support health care, to support cancer care, to support cancer treatment, perhaps to support smoking cessation activities, perhaps to meet your commitment and your promise to provide transitional support for tobacco farmers," and they said no, they'd just put it in the main kitty and hope for the best. I thought, "Well, when the budget comes out, they'll segregate these hundreds of millions of dollars in new funds, and they'll tell us where they're spending it to meet their promise to tobacco farmers."

I say to the folks who are here from tobacco country, why should Dalton McGuinty keep his promise to you, when he doesn't keep it to anyone else? Do you expect these Liberals to give you people special treatment? He broke his promise to working families, to middle-class taxpayers, to small business people, to young children with autism, to education workers, to nurses. Why should he treat you in the farm community any differently? He doesn't. He treats the agricultural industry much the same as he treats everyone else: He has broken his promise to them.

So they voted against the Conservative motion to have a segregated fund and they just put it in the main kitty, and of course it has disappeared.

This government certainly has no recognition of the important role that agriculture plays in the Ontario economy. Agriculture is the backbone of the Ontario economy. I have to be honest; I don't have tobacco farmers in my constituency. I do have a lot of dairy producers and I do have folks with cash crops, whether it be corn or soybeans. We have a lot of dairy producers in Nepean—

Carleton. There are a few dairy producers actually in Ottawa West–Nepean.

Hon. Mr. Watson: One.

Mr. Baird: One in Ottawa West–Nepean.

Regardless, this government, on policy initiative after policy initiative, has been not just anti-agriculture but anti-rural-Ontario. They don't seem to ever put a priority—someone said, “Why are they so anti-rural-Ontario?” I explained that the previous Conservative government, in its last few months in office, had one full minister from Toronto. This government has eight. It's a government by, for and all about Toronto. This government forgets that rural Ontario has an important role to play in the Ontario economy and should have a stronger voice in the Ontario cabinet to fight for their interests.

I want to talk about liberty, about the right to choose. Some people in this House—

Hon. Mr. Watson: How much money from PUBCO?

Mr. Baird: I don't think I ever received any. I might, but if I have, I don't remember.

This government is pro-choice as long as it's their choice. It's pro their choice. I think people should be allowed to make up their own minds. We are all grownups. Big boys and big girls can make decisions for themselves. What we see in so many of this government's policies is that it's all about Big Brother. It's all about the nanny state. Children will be frisked going into schools, to find out if they brought any gummi bears into the school.

Mr. Barrett: Snickers bars.

Mr. Baird: We'll have to have X-ray scanners to make sure there are no Snickers bars making it into our schools. They tried to ban sushi and say to people that raw fish hasn't been cooked—big surprise: Raw fish is raw. I'm a big enough boy to make decisions for myself, just as customers of the sushi chefs selling their fine wares on Toronto's Danforth are big enough to make up their own minds with respect to that.

Hon. Mr. Watson: Where are the sushi bars in Nepean–Carleton?

Mr. Baird: They sell sushi in Nepean–Carleton at the Loblows in Bells Corners, I say to the member for Ottawa West–Nepean.

What about freedom? What about the inherent right of people to make decisions for themselves? There is an establishment here in Toronto that just put in \$100,000 to be compliant with the law; a small businessman: 100,000 bucks, a glassed-in room, a completely new ventilation and sound system. No staff are allowed into the room, so it's just clients who choose to go in there. You have to go out to buy your drink. You have to go out to speak to staff. Staff aren't in there, and that's not good enough for this government. It's \$100,000 of someone else's money that's down the drain because this government thinks that is a public place. Well, it's not a public place; it's private.

If you want to ban smoking on the sidewalk, that's one issue. If you want to ban it in a public place, like the Ontario Legislature, it's another. But just do two things. Keep your cabinet ministers from smoking in the opposition lounge. The first day this House came back

after the last election, our then House leader, Bob Runciman, had to get up on a point of privilege because Liberal ministers were smoking in the opposition lounge. When our staff complained, they wouldn't put their cigarettes out. For a Liberal government to come in and bring in this bill, when they used to smoke in the backroom, it's one rule for everyone else and another rule for the ruling class.

Mr. Barrett: It's hypocritical.

Mr. Baird: It's hypocritical. There is no one who is a stronger voice for rural Ontario than the member for Haldimand–Norfolk–Brant, my friend Toby Barrett. He will stand up and speak his mind, with no fear. He is not part of the politically correct crowd in the Liberal benches. He is not afraid to stand up for his constituents and for their interests.

Mr. Barrett: I'm not a Liberal.

Mr. Baird: He's not a Liberal. I'm going to confess I don't always agree with him; I normally agree with the member, but I admire his tenacity. He never, ever shirks from his responsibility of representing his constituency, and that's why he's been rewarded with three elections to this place and has done so well.

This whole notion that a private restaurant or a private establishment is somehow a public place is a bunch of baloney. A restaurant is not a public place; it's a private establishment. I checked the Charter of Rights and Freedoms, and there is no part of the charter that says you have a right to go to Kelsey's. There is no law that says you have a right to go to East Side Mario's. If they don't have a non-smoking section that you're satisfied with, don't go there. It's pro-choice. Make up your own mind. In Bells Corners—

Interjection.

Mr. Baird: If they have a separately ventilated smoking room where staff are not allowed, it's not a problem. But apparently that's not enough. It's separately ventilated.

Mr. Barrett: It's never enough.

Mr. Baird: It's never enough.

I want to tell the member for Ottawa West–Nepean about Charlie Kouri. Charlie Kouri ran a pharmacy in Bells Corners. He's retired now, so it's closed. He ran the Lynwood IDA. In the late 1980s he made a conscious decision, of his own volition, to stop selling cigarettes. There wasn't a law at that time forcing him to do so. He made a proactive decision himself that he didn't want to do it. Good for Charlie Kouri. He didn't need Big Brother to tell him to do it. There were plenty of Tim Hortons establishments in Nepean that made the choice on their own, without the law, without Big Brother, without the government telling them what to do, and I applaud those measures. Good for them. People in a free market have the opportunity to support that or not support that. But if this bill passes, I hope the Liberal ministers will stop smoking in the opposition lounge, because it's very, very hypocritical.

2030

This won't have an effect on Ottawa, because it's already had an effect, but there's a restaurant in the

southern part of my riding just outside of Burritts Rapids, about 100 metres inside the city of Ottawa, and they're not allowed to smoke. They've lost business because people go to Kemptville, 200 metres the other way, to smoke there.

I checked out this bill. I looked at it. There's nothing here regulating smoking in bars in Hull. That's only two seconds away in Ottawa. There's nothing in this about no smoking at the casinos in Detroit. There are two or three casinos there, member for Erie-Lincoln?

Mr. Tim Hudak (Erie-Lincoln): There are three in Detroit.

Mr. Baird: There are three in Detroit. They're not covered by this.

Interjection.

Mr. Baird: Well, people are not going to walk across the street to go there. They're going to take their money and they're going to go to the Hull casino, and they're going to expand the hospital in Quebec and not in Ontario because Quebec is going to get all the winnings from the Hull casino. The Rideau Carleton Raceway has had its revenues depressed considerably because of the city of Ottawa's initiative. That means less money for Ottawa city council, less money for their waste and wild spending down there, less money for the cuckoo choo-choo, the member for Ottawa West-Nepean's name for the public transit system. He convinced me how crazy that cuckoo choo-choo is, that rapid light rail transit project that Bob Chiarelli—I went to a fundraiser for Jim Watson. It was his 10th anniversary. A few Conservatives did go, because nine and a half years of those 10 years were spent as a Conservative. So I went—

Ms. Churley: Was he a Conservative?

Mr. Baird: Please. My best canvasser door to door.

Hon. Mr. Bradley: John, you were a Liberal.

Mr. Baird: I've been called many things. No one's ever called me that.

Anyway, I went to his thing, and Bob Chiarelli—I mean, people weren't shocked to see a former Conservative minister at this Liberal fundraiser; they were shocked to see Bob Chiarelli, because Bob Chiarelli and my friend Monsieur Watson over there don't get along too well. I don't blame him. My money is with Watson. I look forward to next week debating the Ottawa bilingualism bill. There must have been a big fight in the Liberal cabinet, and my buddy Jimmy must have won, because the bill is pretty meaningless. To say it's emasculated would be an understatement. It's a meaningless bill. The member for Ottawa West-Nepean obviously won the power struggle in the Liberal cabinet. Good for him for that.

Mr. Hudak: Who took him on? Whom did he beat?

Mr. Baird: He beat Madeleine Meilleur.

Anyway, there's another issue I want to bring up. I talked about the casinos. Sandra Pupatello, I've been reading in the Windsor papers, has been talking and is very concerned about what this is going to do to casinos and the Windsor economy. I don't blame Sandra Pupatello. Too bad she wasn't successful in fighting her

own government on this. I just say to the Liberal members, who is going to go to this swanky, five-star hotel that you're spending all this money on in Windsor? I'll bet the unemployed nurses will go.

Mr. Hudak: To the casino in Hull?

Mr. Baird: No, to the casino in Windsor. When the nurses are unemployed, they will probably go to the casino in Windsor, won't they, member for Toronto-Danforth? There are nurses being fired and let go by this government, and the swanky, five-star hotel—

Hon. Mr. Watson: Can we have a tribute to Ernie Eves, now that he's gone?

Mr. Baird: I'll pay tribute to Ernie. I have a huge amount of respect for Ernie. Ernie has done a tremendous amount. Ernie Hardeman has fought for tobacco farmers from Tillsonburg and in Oxford county. I should mention the good work that Ernie Hardeman has done too. He has done a lot of work on this issue and has been lock, stock and barrel with my friend from Norfolk. I went down to the member for Norfolk's riding and saw a lot of the tobacco farms. He had me at the power plant there.

Mr. Barrett: As Minister of Energy.

Mr. Baird: When I was Minister of Energy. I don't know if you know this, but the member for Norfolk fought for major investments in pollution abatement at the Nanticoke power plant, SCRs at the Nanticoke power plant. I'm willing to bet money. The Liberals promised they were going to close that in 2007. How much money do you want to bet that that thing will be up and running in 2010? There's not a hope in the world that that thing will be closed by 2010. Thank goodness they didn't make my friend Bradley here the Minister of the Environment, because he would never have allowed for that. He would have already crossed the floor to join John Tory.

Brad Duguid is here. Brad Duguid was a big fan of John Tory. He saw a lot of John Tory, even before I did.

Hon. Mr. Watson: That was when Tory was a Liberal.

Mr. Baird: Tory was always a Tory. Don't you talk about people crossing the floor. A lot of people can talk about that but not my friend from Ottawa West-Nepean. Ottawa West-Nepean is a great riding. I used to represent half of Ottawa West-Nepean.

Ms. Churley: Were you a Liberal or a Tory then?

Mr. Baird: I was a Tory, a Mike Harris Tory.

Anyway, I wanted to raise another issue which is of huge concern. My friend from Ottawa-Orléans is here. We were at the Royal Canadian Legion in Greely, and we placed a wreath together. Folks at the Royal Canadian Legion in Greely talked to me about what effect the smoking ban would have at the Royal Canadian Legion, on the vets who fought for freedom, who fought for liberty, who fought so that we could live in a democracy where we could make choices for ourselves. What happens to our veterans and to those members of the Royal Canadian Legion? There is a lot of pressure. I'm an associate member of the Royal Canadian Legion, branch 593, in Bells Corners. What is going to happen to these Legions across Ontario when this law comes into

effect? They are already struggling to keep memberships open. I don't know why we wouldn't put forward an exemption in this legislation for the Royal Canadian Legion.

Is the member from Norfolk listening? Could we put forward an amendment to allow freedom of choice for our veterans and call it the liberty clause? The liberty amendment—that's what we'll call it. The dapper staffer here. He is nodding his head. We're going to call it the liberty amendment, to allow Legions—

Interjection: Those who fought for freedom.

Mr. Baird: Those who fought for freedom should continue to have that freedom.

We had the Minister of Health here yesterday quoting Fidel Castro as a reason to support this bill—a brutal dictator. You were here. Some of you were here yesterday. He quoted Fidel Castro.

Hon. Mr. Bradley: How many Tories went to Cuba this year?

Mr. Baird: The Cuba trip was cancelled. The attempt of the Minister of Health to snuggle up to a ruthless dictator is unfortunate and is unbelievable.

I will be voting against this bill. I'm pro-choice.

The Deputy Speaker: Questions and comments?

Ms. Churley: About the only thing that I think my friend Mr. Baird said that made any sense whatsoever is that Tories and Liberals are interchangeable.

Mr. Baird: Don't say that.

Ms. Churley: It's true, because there is a whole lot of bantering, "Oh, he used to be a Liberal. A Tory then and now he's a Liberal."

Mr. Baird: He used to be a New Democrat. What about him?

Ms. Churley: That's true. What happened to you?

Anyway, John, have you ever been in one of those so-called separate rooms, even if they are ventilated?

Mr. Baird: No, because I don't go in there.

Ms. Churley: Well, let me tell you, they are awful. You're talking about choice. To the workers who might have to go in there—

Mr. Baird: They don't go in there.

Ms. Churley: And you know why. Nobody should be in there, because everybody who smokes all go into one little room. Remember when they first stopped allowing smoking on trains? Do you recall that? They allowed one car where you could go to smoke, so everybody else who smoked, who sat in other parts of the train, would go into this one car to smoke. I remember going in that car, and I swear I nearly fell over because everybody—

Mr. Baird: Why did you go in there? Did you smoke?

Ms. Churley: Do you know what? I had to go through the pain of smoking.

Mr. Baird: She smokes and—

Ms. Churley: Yes, at that time. And this is what this is all about. It is really tough to stop smoking. That's why we were counting on you, John, to support the New Democrats on this, to support some of the farmers on this, who, whether they support this legislation or not, see the writing on the wall and are calling on the opposition

to call on these guys to give them the money they need to survive this. You hardly said a word about that, and that's what this is all about tonight. What planet are you from, John? Which generation are you from? I can't believe that you're not supporting this legislation. You should be standing up and fighting for help for these guys, not trying to stop this.

I'm out of time. I'll continue later.

2040

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): I certainly enjoyed the last 20-odd minutes. Normally, we get to respond to the speaker, but I must say that it was such a passing reference to Bill 164 that I'm not going to be terribly tempted to even try to do that.

I have to say, though, that some of the banter is interesting here, from Liberals who used to be Tories—and obviously that was a good decision—and even some Liberals who used to be NDPers—and that was a good decision. The only thing we don't have around here any more is a lot of Tories who are employed in this place, and that was a good decision by millions of Ontarians just over a year ago.

This debate is one that's really just a small step in a long series of processes and one that will have an effect. I think each of us has our own history and our own kinds of experiences. I have to say that mine probably goes back to about 1955, believe it or not. That was some 50 years ago. Both of my parents were smokers—like others who may be in this room who had one or more parents who were smokers. My parents would have folks over on a Friday or Saturday night, and they'd play some cards and have a couple of drinks and smoke away for the evening and dirty up the ashtrays. As part of my chores as a kid, my job the next day was to clean up and do the dishes. I can still smell the smoke on my hands from the ashes in the ashtrays. So it's part of a long, long road.

I had a former life just prior to this as a municipal politician. I recall that in the mid-1980s, we banned smoking from town hall and went through cessation programs. In the early part of the 1990s, with a new city hall and new community facilities, we banned smoking in those facilities, save and except when there were licensed events—and that has been removed now. As recently as a couple of years ago, across the region of Durham, we went through much of the type of debate we're going through here to deal with smoking in public places.

This is one more step, ideally, in a long process that will change the culture of the province in regard to smoking.

Mr. Barrett: The member for Nepean-Carleton does not disappoint. He's a former finance critic and a friend of the farmer, in my view. As the former finance critic, he knows the difference between a tax and a Liberal money grab, in this case.

There's an expression that came from a now Liberal cabinet minister: "Raising tobacco taxes does not encourage the majority of smokers to quit."

Mr. Baird: Who said that?

Mr. Barrett: That came from the junior health minister in training, Steve Peters. That was in March 2003. We found this in the Sentinel Review. They used Steve Peters's words in an editorial. It originally came from a Steve Peters news release. This is Steve Peters in opposition: "What this government has failed to understand is that taxes are not an effective tool in reducing tobacco consumption."

He also states, "Ceasing production in Ontario does not reduce consumption. Taxes do not make people healthier or safer."

This came from a now Liberal government cabinet minister, and it suggests to me again—I know the word "hypocrisy" came up several times in the presentation from the member from Nepean-Carleton.

The Deputy Speaker: Let's be careful when we bring it up.

Mr. Barrett: Let's refer to it as mendacity. You create a smoke-free Ontario to appease the antis, but you refuse to declare tobacco an illegal product, and your palm is still greased—\$8 billion a year right across the Dominion of Canada. That's called having your cake and eating it too. I don't consider that ethical. I consider that show-and-sham politics.

The Deputy Speaker: I think we should be careful of the words, no matter how they're used.

Ms. Martel: I wasn't here in the chamber to hear the comments of the member for Nepean-Carleton. It sounds like that was probably a good thing. We agreed to disagree on a number of things when he was minister and I was his critic, and most of that hasn't changed now. So let me say what I think he should have said and should have tried to think about.

The evidence about smoking and the links between tobacco and addiction, tobacco and disease, and tobacco and premature death is just overwhelming. That's a given. And when you talk about choice, I'm not denying people who want to continue to smoke to do that in their own homes. That's their business. But there is a significant difference, and I think that's reflected in the population now, that people believe that choice is restricted to your home and that in workplaces in the province and in public spaces you just can't be allowed to do that any more, because the evidence, particularly around second-hand smoke and its implications, is overwhelming as well.

Many municipalities have come to that conclusion already. That's happened in Ottawa as well. Frankly, we are catching up to where I think the majority of the population is, which is to recognize and accept and support that the writing is on the wall and that choice for smokers really is limited to your home. Other people shouldn't have to be impacted by second-hand smoke, either in the workplace or in public places. I just think that's the overwhelming view of the majority in the province. I say that in view of the many municipalities that have declared 100% smoke-free bylaws, and the government is in fact catching up to that reality now.

The Deputy Speaker: The member for Nepean-Carleton has two minutes.

Mr. Baird: I want to thank the members from Toronto-Danforth, Pickering-Ajax-Uxbridge, Haldimand-Norfolk-Brant and Nickel Belt.

I say to the member for Nickel Belt, cancer is a significant concern for all of us. I think we've all lost loved ones to that terrible disease. If this government was really serious about that, they would put the money from the increased tobacco taxes into smoking cessation activities, which they haven't made any significant move on. That causes me great concern. I guess we disagree on what the definition of a public place is. The member for Pickering-Ajax-Uxbridge talked about the town hall—no problem. That's a public place. I support that. But a Legion or a restaurant, of course, is a private place, not a public place.

The member for Toronto-Danforth talked about the need for transitional support for tobacco farmers. I agree. I'm totally on board. I support that. I think it's important. The member from Haldimand-Norfolk-Brant has said on occasion that the less tobacco that is grown here in Ontario, the more they import tobacco, which may contain pesticides and may not be produced in a particularly environmentally friendly fashion. I listen to the member from Norfolk when he talks. I learn from him. That's certainly the case. We obviously want to ensure that we don't just have worse environmental practices from another jurisdiction, even pesticide-laden tobacco, creeping into the marketplace here.

The member for Norfolk also talked about our friend Steve Peters. Wasn't he booed out of an agricultural meeting in his own—

Mr. Barrett: In his first month as ag minister.

Mr. Baird: His first month as ag minister. As my friend from St. Catharines used to say, it's time for a shuffle over there.

The Deputy Speaker: Further debate?

Ms. Churley: Thank you for this opportunity to put my comments on the record on this very important bill before us tonight.

Mr. Mario Sergio (York West): How long are you going to be?

Ms. Churley: Twenty minutes, I believe. Yes. I have 20 minutes.

I know that Ms. Martel, our critic on health care, put generally the New Democratic position on the record earlier this evening, because we are all supporting this legislation for all the obvious reasons that Ms. Martel gave earlier. Of course, she didn't, for obvious reasons, go into a lot about the health issues around smoking. What we now know is truly terrifying, and nobody can deny that.

2050

I find it really interesting to listen to Mr. Baird, who spoke a little earlier. I must say, he was entertaining. He livened the place up, and that's always a good thing at night. But I was surprised at his definition of "choice." I could get into a whole other discussion around that—I won't this evening, but I could—around a Conservative definition of "choice," depending on what the issue is, if

you know what I mean, in a whole bunch of areas. That's very dangerous territory to get into in this particular area, but I know some people think this way.

Let's address it for a moment. Do you remember—I think one of the Liberal members raised it earlier, and I do; I'm old enough to remember very well—when people smoked in movie theatres, even when they had kids there? I mentioned trains earlier, and airplanes. It was just taken for granted. You could be choking to death. People smoked in cars with the windows rolled up. Unfortunately, some people still do, with kids in the car. We didn't know any better.

Then, slowly over time, the evidence started to come in, the just absolute evidence now about cancer and heart disease and all kinds of illnesses that come as a result of smoking and second-hand smoke, and not only the huge, huge, cost to our economy and our health care system but also the huge emotional and human cost as a result of second-hand smoking, of people dying and becoming very ill from emphysema and various other illnesses. So we all know that.

The challenge for the past number of years, as different sides of this issue have been duking it out, has been very difficult. It is challenging because, as I mentioned a couple of times earlier, as we have more and more growing evidence about the social determinants of health, it takes a while before legislators can come together with those impacted and try to work out a solution. The way it came about, at least here in Toronto in my area, is that people were very, very angry about this, especially the bar and restaurant owners, when the city of Toronto first brought it in, I believe in the 1990s, but East York and all of the other areas around the old city of Toronto hadn't. No doubt about it: People who smoked went across the street into East York and were going to the bars there. There were some really serious economic issues for those who couldn't allow smoking and those who could. That's why I so strongly support a level playing field, because as I said earlier, there are those who get caught in the crossfire when we try as a society to deal with these kinds of health issues.

One of the things I just want to read into the record a little bit, because I think it's relevant—and I say this to some of the bar and restaurant owners who continue to be concerned about losing revenue because they have no choice any more, as Mr. Baird would put it. They can't allow smoking in their facilities.

By the way, I agree with the comments made by the member for Nickel Belt. We've talked, we've met with some of the restaurant and bar owners around the province and the GTA. Michael Prue, Andrea Horwath, Rosario Marchese and I have met, and we have discussed some of the issues around that. It's interesting. Some of the bar owners said they've already recouped the money that they've spent to build these special ventilated rooms, and some haven't. I think it's because, through no fault of their own, they were told by the city of Toronto and Hamilton and wherever that they could build these things up to a certain period of time, and they invested. This is

not talking about speculative compensation or anything like that; it's just talking about, like with the good example of the spring bear hunt, trying to—because they got caught in the crossfire.

I wanted to read a little bit from the Sunday New York Times, which if I have time—it's very thick—I like to read. An article caught my eye a couple of weeks ago. It was in the Sunday New York Times. Back in 2002, the city council, under Mayor Michael Bloomberg, eliminated smoking from all indoor public places. I'm going to read a little bit about what happened as a result of that. I'm reading directly from the story:

"Few opponents were more fiercely outspoken than James McBratney, president of the Staten Island Restaurant and Tavern Association.

"He frequently ripped Mr. Bloomberg as a billionaire dictator with a prohibitionist streak that would undo small businesses like his bar and his restaurant. Visions of customers streaming to the legally smoke-filled pubs of New Jersey kept him awake at night.

"Asked last week what he thought of the now two-year-old ban, Mr. McBratney sounded changed. 'I have to admit,' he said sheepishly, 'I've seen no falloff in business in either establishment.' He went on to describe what he once considered unimaginable: Customers actually seem to like it, and so does he.

"By many predictions, the smoking ban, which went into effect on March 30, 2003, was to be the beginning of the end of the city's reputation as the capital of grit."

A little later on, it mentions some of the issues and some of the problems, but overall, they say, "Clearly employment is up in New York City going into 2005 or the end of 2004 compared with the year the smoking ban went into effect." They say that's partly because of a better economy, but they believe this had something to do with it.

There's one other piece from this I want to read to you, because I find it amusing:

"Jason Sitek, 31, said he had similarly begun to enjoy the ban"—this is a smoker—"even if smoke-free bars subtract from what he used to think a New York City bar should be. 'The whole nature of New York City and the bar is you can go into a smoky atmosphere,' he said. 'It's like Disney World now.'

"Still, he said, smoke-free bars have their advantages. 'You realize you stop stinking, you don't smell like an ashtray,' he said on Tuesday night as he smoked outside Spike Hill, a bar in the Williamsburg section of Brooklyn.

"The temperature was hovering near 30 degrees, but down the street, in front of Rosemary's Greenpoint Tavern, Brian Rennie, 23, said he did not mind that he was forced outdoors to smoke. 'I like going outside,' he said. 'I like to get fresh air.'"

Another guy said, "'There's a secondary scene now outside of bars—a smoker's scene.' He added: 'You can meet a girl out here. Strike up a conversation.'"

I'm probably going to get calls tomorrow from angry people who are forced outside to smoke in the cold. But I

find it very educational to look at other jurisdictions that have gone through this and to see that even the people who were the angriest at the mayor at that time are now sheepishly saying, "Look, we were wrong."

I say this not to say "I told you so" or anything like that, because I understand the concerns of the bar and restaurant owners. They have a living to make, they have families to support, and these kinds of changes are quite rightly of concern. That's why it's important to look at the studies, to look at experiences in other areas and see that overall it's worked very well and business has not suffered.

The level playing field is a huge part of that. In New York, they had the same concerns about New Jersey that were raised about Hull versus Ottawa, and it didn't hurt them. Now, I'm sure there are others who would tell me—if anybody from New York is watching this tonight, feel free to phone me and let me know if it didn't work for you.

I'm just reading some of this into the record so those in the bar and restaurant industry who have concerns will see that in other jurisdictions, the fear was there and it just didn't come to pass.

There's another thing that I've mentioned earlier, and it's really critical that we talk about it tonight; that is, the lack of support for the farmers who are being put out of business. It's been raised by several tonight, including my colleague from Nickel Belt. She raised the fact—and I mentioned it earlier too—about the amount of money, that only \$31 million has been spent on the so-called tobacco strategy.

This is a government that promised in its campaign document to bring in a strategy that would involve a huge amount of money being put into programs to help people quit, and that hasn't been done to any great extent, and also to come forward with a strategy for farmers to help them during the transition period. Some people wonder, well, who am I, as a downtown Toronto member, to talk about the plight of farmers? What do I know?

2100

I can tell you this. I'm from Newfoundland and Labrador. My parents are from Newfoundland. No, we weren't farmers, but they were fisherpeople. They were fishers. The fish disappeared in Newfoundland. I watched the devastation of the communities in Newfoundland as the fish disappeared. The farmers in Ontario now are trying to warn all levels of government that they are in dire crisis and the family farm is disappearing, that they can't support it any more and it's not sustainable, for all kinds of reasons. It reminds me of the same experience Newfoundlanders had in terms of warning government that they were in crisis. They were noticing something. They were the people on the ground—in this case, on the ocean—noticing that there was a problem. Nobody listened. The government of the day in Ottawa didn't listen and their own government didn't listen. The fish disappeared in that economy. We all know about the flag flap recently, and perhaps now there is an opportunity for Newfoundland to do some catching up. But I watched the

devastation of that industry, and we don't want to see the devastation of the family farm here in the same way we watched the devastation of the fishing economy in Newfoundland. It is not a pretty picture.

These farmers—not just the tobacco farmers. We're talking about a particular issue tonight that is directly affecting them, but there are other issues affecting them that they've written to the minister and the Premier about.

I just spent some time, because I'm a supporter of some greenbelt—not the greenbelt that the government is bringing forward. I want to support it, but in fact that greenbelt is very flawed. We really need to be saving more, and there is going to be leapfrog development. A lot of prime farmland, in fact, as the Christian Farmers told us in the hearings, has been left out of the greenbelt and, in some cases, farmland that's not as good is in. So there's leapfrog development that's going to go ahead, and it's not going to stop urban sprawl—there are all kinds of problems. But I support preserving farmland, and I believe that farmers do too. There were some accusations that they were in it for the money, and I suppose, yes, in some cases there was talk of speculative compensation, which I don't support. I've been upfront about that. The government could go bankrupt.

But what I do support is having transition funds put in place and other farm aid programs to help keep farms and farming viable in this province. We've heard a lot about free trade and low commodity prices and BSE since Walkerton. I have been a huge proponent, as you know—you will remember, when the Tories were in government after Walkerton happened, I brought forward my own Safe Drinking Water Act. It almost passed, but the government brought in their own. But just think about all of the new environmental programs that have come in since Walkerton, new, complicated and expensive programs that farmers have to comply with over a period of time, without the supports there to help them do it, without the supports to transition them into complying with the Nutrient Management Act, complying with the Safe Drinking Water Act, complying with the new rules coming in around the greenbelt and all the Places to Grow. Many things are happening that impact very much on our farmers.

I think the lesson to learn from tonight—what we should and need to be talking about—is the Liberal government keeping its promise to the farmers during the election campaign. They're here tonight, and I would say, in looking at some of them, that they may not support all my views, nor I theirs, on some of these issues. But I think we're of one mind when it comes to the legislation we're speaking about tonight and the greenbelt legislation and some of the other legislation coming in that impacts on them: that you cannot do it in isolation. It's being piled on and piled on and piled on, and you wonder why some farmers are so vehemently opposed to the greenbelt. Well, I don't think they're opposed to the greenbelt per se. If anybody wants to save farmland in this province, it's the farmers. I heard a lot, particularly

from the family farms, saying, "We're not going to be able to sustain the family farm much longer. We want to, but all this new legislation is actually going to put us out of business."

So when you pile it all on—and we're talking specifically tonight about the tobacco farmers. I'm focused on that because I just spent so much time listening to farmers around the greenbelt, and it enabled me to hear an awful lot about some of the other issues impacting them. With or without the greenbelt, these problems exist.

What I want to hear tonight from the government, because we can all—except for the Tories, some of whom I hope are going to support this. There must be some who recognize that there's no debate any more about the health risks associated with smoking. That debate really is over. I think we can all put that on the table. I don't think even the Tories are arguing that. They're arguing that you should have the choice to smoke yourself to death or to cause second-hand smoke around other people. That's another argument.

But if we set the table with the knowledge that this is going to happen, it is happening—put that aside and say, "OK, who's being impacted the most by this?" We've talked about hotels, bars and restaurants, and there are some issues there that I identified and the member from Nickel Belt identified. There's the issue of private daycares in houses. I've got to be honest with you. My perspective on smoking around kids is that if I could, I'd ban smoking around kids in private homes. I know I can't, but I beg people not to smoke around their children in closed places or at all. That's the second one.

There's the issue around the Legions, that are feeling very hard done by by this. I know the government is very aware of it. There have been letters written to the Minister of Health and to the government demanding meetings. They're feeling slighted that they're not being listened to. Some of them built those special ventilated rooms. They don't have much money. The Legions are disappearing as the veterans are getting older and they're very concerned about the impact on the sustainability of their Legions. Some of them did spend the money on these ventilated rooms and they want to be able to talk to the government about how to deal with that. I think they deserve the respect from the government to be able to sit down and talk about the impacts this particular piece of legislation is having on them.

I want to see the government not only keep its commitment in the election campaign to put the money—the taxes have risen drastically. We supported that, but we were expecting that money to go into programs to help farmers during the transition, and we haven't seen that. You have the money. You absolutely have the money. We know that raising the taxes, making them more expensive, actually cuts down on smoking, and that's good. But the other reason we supported it is so that the government would have that money coming into its coffers so there'd be no excuse not to put those programs in place to support the farmers.

That is my main plea to the government tonight: put those transitional funds into programs to help farmers survive this transition.

The Deputy Speaker: Questions and comments?

Mrs. Liz Sandals (Guelph–Wellington): I'm pleased to respond to the comments from the member for Toronto–Danforth, my son's new MPP, because he just moved to her riding.

Ms. Churley: Oh, really? He is?

Mrs. Sandals: Yes, so he's now yours. He can keep an eye on you too, as I do from the rear here.

But I actually wanted to comment more on some of the other remarks that I've heard tonight. The remark from the member for Haldimand–Norfolk–Brant that the government has declared war seemed to me quite confrontational. I think of this as a case of the government pursuing good public health policy. It's interesting, if we look at what we're doing here. We're saying that in public places and in workplaces you cannot smoke, because it is a danger to other people's health. We're not interfering with what people can do in their own home, but we are saying that when you're interfering with someone else's health, then there will be a prohibition in smoking.

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Guelph, the city that I come from, has had that sort of ban for years. We've heard a lot tonight about the negative impact on bar owners and entertainment and that sort of thing. Well, we've had a ban in place for years and years and years, and the biggest complaint in Guelph is that there are too many people in the bars in downtown Guelph at night. So you would be hard pressed, when we've had a ban on smoking in bars for quite some number of years, to say that the bars are going broke in Guelph.

We've also heard a lot about the issue of the Legion. I'd like to quickly tell you what happened in Guelph. In Guelph, the provincial offences court was being held in the Legion because the local courthouse is overcrowded. The Legion lost that contract because of second-hand smoke, so in fact the Legion lost revenue.

Mr. Hudak: I'm pleased to rise in the debate. While I always enjoy the presentations of my colleagues from Toronto–Danforth and Nickel Belt and of course the outstanding work by my colleague from Haldimand–Norfolk–Brant, what I've heard tonight from the government benches is a bit disappointing. In almost all the speeches, they wrap themselves in the public health flag and try to claim some higher ground, but they're not addressing some of the issues that the opposition have brought forward.

One of the salient examples is that the government had promised in its campaign platform that if it raised taxes on tobacco products, it would reinvest \$50 million in transition for tobacco farmers. My understanding from the debate tonight is that about \$272 million has been raised by the government in a massive tax grab—just one of many massive tax grabs, but on tobacco alone some \$272 million—but dime one has not been allocated

toward tobacco farmers as was promised. If there is some honesty from the government benches, just say you're not going to do it, or if you are going to do it and you'd like to see it, say it should happen. I say to my colleagues opposite, one, two three of you coming alongside and saying, "You know what? We should keep that promise," can have an impact on the health minister, can have an impact on the Minister of Finance and can help start addressing some of the real concerns that farmers and taxpayers have about this legislation. So address the issue and please tell us, yes, you support the assistance to farmers or you don't.

We hear that things are going to boom in the hospitality industry. Well, then, at the very least, because we hear from the hospitality sector that they are concerned, give us some sort of measurement mechanism, and if the industry is impacted significantly, then why don't you offer some form of compensation or help to that sector? Coming from the Niagara region, we are very concerned about the impact on the tourism industry, the casinos, the bingo parlours and the racetracks that this legislation may impose. We have seen no plan to assist that hospitality sector, particularly in the border areas.

Ms. Martel: I appreciate the remarks that were made by my colleague from Toronto—Danforth. Because she talked about compensation, it's worth putting on the record again, from my perspective, the commitments that were made and the price tags attached to that and the revenue that actually is coming in to the government, which would more than cover the cost of the commitments that were made with respect to tobacco control initiatives.

The government promised during the election that in the first year of its tobacco strategy, it would invest 140 million new dollars. That would include \$31 million for a youth mass media campaign, \$12.5 million a year for smoke-free public and workplaces, \$46.5 million for smoking cessation programs and \$50 million as a one-time community transition fund to help farm families move out of the production of tobacco. In year one, the total was \$140 million in new investment and in year two, \$90 million. Let's take a look at what happened. Exclude for a moment the \$12.5 million that was allocated for this bill, because the bill is not in effect, and I appreciate that. The government still should have been committing \$127.5 million in the first year for its tobacco strategy. The allocation for 2004-05 for tobacco strategy was \$31 million, when the promise was \$127.5 million.

How much revenue has the government taken in? In the first tax increase, November 2003, \$110 million in new revenue; in May 24 in the budget, another \$110 million in new revenue; in January 2005, another \$52 million in new revenue. Even if you don't count the January increase, the two other tax increases have brought you \$220 million, more than enough money to compensate farm families, more than enough money to help people who want to quit, more than enough money to live up to your campaign promises. I urge you to do that as this bill moves forward.

Mr. Bob Delaney (Mississauga West): I ask members to imagine that somebody walks into their constituency office and says they have a proposal for a new product to market. Now, the product is going to kill 16,000 of its users every year, and that's just in Ontario. It's going to cost the provincial treasury billions of dollars in direct health care costs and cost employers billions more in lost productivity and absenteeism. This new product could cause addiction and substance abuse problems in upwards of two million people in Ontario. It will rob families of mothers and fathers before their time. It will end working careers prematurely and even kill people who suffer second-hand exposure.

If this scenario were at the end of this century—most or all of that century of course under capable and sensible Liberal management, by the way—rather than at the beginning of it, people would say, "You're just bringing up that tired old tobacco argument again. Tobacco hasn't been used in decades." As a bill that constitutes part of the end-game, as the expression goes in chess, as that end-game proceeds to completion, we look back at other struggles similarly fought. A century ago the issue was universal suffrage, and people were passionate in their assertions, one way or the other, as to whether women were persons. Women are persons. Tobacco use is deadly. Bill 164's great strength is that it gets on with the job.

The thing that makes Bill 164 well worth supporting, and one of the reasons I support it, is that Bill 164 says that it is now a default that you don't smoke rather than a default as to whether you do. Bill 164's time has long since come. We've known about the hazards of tobacco for decades. Let's get on with the job.

The Deputy Speaker: Member for Toronto—Danforth, you have two minutes.

Ms. Churley: I'd to thank the members from Guelph, Erie, Nickel Belt and Mississauga West for their comments. I just want to say this: As we stand up, and in some cases rather piously, those who never smoked or those who have kicked the habit through a lot of struggle like I did—I think all of our caucus is smoke-free; I know some of us have struggled and managed to butt out—we must not take it for granted that this is easy for people. It is a very serious addiction. It's all very well for us to stand up here and perhaps be pious and make fun of some of them and talk about the stink, and I had a good laugh over the story in the New York Times, but the reality is that it's a serious addiction.

As we talk about our support for this bill, we are not going to forget that the money is not there, as promised, to help support those who need to quit. Ms. Martel read into the record earlier a letter from a young man who doesn't make very much money and is totally addicted. He knows it's wrong and he shouldn't be wasting his money on it, but he's addicted. He can't afford to go and buy that patch or to get some of the aids that I was able to use to help me quit, and some of the colleagues I have and friends who have managed to quit. I'm watching some friends struggle now. It's very difficult. We are

very proud of all the people who manage to take this challenge on and quit.

Some people have a harder time than others and some people need that extra help in order to quit. One of the huge flaws in the legislation we're talking about tonight—and I want to hear the Liberals talk about that, because they're talking about the need to quit and the health impacts, but not about the programs that are needed to help people quit.

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The Deputy Speaker: Further debate?

Mr. Mario G. Racco (Thornhill): It's a pleasure for me to speak in favour of Bill 164. I go back to 10 or 15 years ago, as a councillor in the city of Vaughan, when Vaughan was a leader in the anti-smoking battle. I remember how many comments we were getting in those days from people telling us that terrible things would happen if the city proceeded with the anti-smoking bylaw. The pressure was such that some changes were made. Then the region of York came into the picture with the same type of bylaw. Again, significant pressure took place. The arguments were that if the region were the only one with such a tough law, people from the region would go elsewhere to entertain themselves and, therefore, it would be an economic loss to the region of York. I'm very pleased that the Minister of Health has understood that it was necessary in Ontario that we implement a new bill that deals with smoking.

Mr. Speaker, I should say that I will share my time with my colleague Mario Sergio.

In regard to Bill 164, I want to make clear that this bill will be finalized, will be implemented at the end of May 2006. For those people who have been suggesting that significant difficulty will be placed on restaurants, Legions and other businesses, I think it's important to stress that it will take more than an additional year before the bill will come into effect. Surely there will be enough time for these businesses to make the adjustments that in their opinion are necessary. In fact, we have been discussing this matter, as I said, at least in the case of the city of Vaughan, for probably 15 years. So the community was aware of what would happen one day. Therefore, I don't see the difficulty for the people of Ontario to adjust to such a change.

I should also stress that it's my understanding that over 80% of us, Ontarians, do not smoke, and that of those 20% of Ontarians who do smoke, almost 70% or even 80% of those 20% are prepared to make adjustments to their smoking habits. In fact, I know a number of people who live in my area who smoke outside, who do not smoke inside. So whether it's 10 or 11 o'clock at night, whether it's hot or snowing out, I still see some of my neighbours smoking outside. That is because they understand that smoking is a terrible thing and they are trying their best to make sure their loved ones are not affected.

If that is the objective, then how can we allow employees, people who are trying to make a living, to work in restaurants or in places where today smoking is

allowed? Surely one of the jobs that elected people in office have is the care of those individuals who need a job and cannot afford to say, "No, we don't want to work if there is smoking." Therefore, it's our job, our duty, as elected people, to introduce legislation to help those individuals who need a job and wouldn't be able to have a job unless we intervened.

It's so important that the health of our constituents, our health, be respected and not be allowed to be affected in a negative way. I think the minister has done what other ministers should have done many years ago. I'm very pleased about that. I'm also very pleased about making sure that there would be a nine-metre ban around hospital doorways. I'm a non-smoker. When I used to go to my office in Vaughan, one of the biggest challenges was to go through the main door, because unfortunately a number of employees would stand outside the entrance smoking. For those of us who don't smoke, it's significantly bad. We have to run because of the discomfort. We have to run to enter an office because there are so many people who normally sit or stand outside and smoke. Surely it's time for us to move on.

Let me give a couple of statistics. Tobacco is the number one killer in Ontario. It kills 44 people a day. It also costs us \$1.7 billion a year in treating tobacco-related illnesses. Our anti-smoking strategy is the toughest one in North America, and I'm proud of it.

Mr. Sergio: I'd like to add my comments on the bill in front of us tonight. Of course I will be supporting it as well. I'm pleased to see that most of the speakers support the bill as it is in front of us. I'm pleased to see the support of the NDP and, of course, the Conservatives. They tend to play soft politics, I have to say, with a very important health issue.

The bill distinguishes itself in a very distinctive manner, if I can put it that way, because it's not the money that is received from the income from tobacco smokers and it's not the politics of it; it's a very serious issue and the argument of the day is that it's health care, that it's what it's costing Ontarians at the end of the day in terms of health care, health care costs and so forth.

I have to tell you that in my riding I am somewhat fortunate to have Apotex, which is perhaps Canada's, if not the world's, largest producer of drugs, especially multiple types of drugs. They have a huge campus in my area and they have thousands of employees. As a matter of fact, they are enlarging out of my area now. They are in Etobicoke, throughout Canada and in many parts of the world. They are less than a mile from my constituency office. I often drive either to or from my office and see this big sign on their property next to the sidewalk, saying, "Smoking kills." I don't get any pleasure when I see workers puffing and marching up and down the sidewalk in summer and winter. I feel kind of compassionate toward those smokers, because I know it's not easy to alleviate that habit, and I have to say it's a terrible habit. I say good for Apotex because it's sending a very strong message to its employees and the public. On a daily basis thousands of cars go by those factories, and at

the same time it's sending a very strong message to the workers themselves.

I laud the government for introducing this bill. The opposition says, why at this particular time? There is never an easy or a preferred time. I think it's time we deal with the issue. We are not the first ones. We are not the only ones. Over the years, we've had many governments, federal, provincial, municipal, introducing their own brand of law, their own stringent or not-so-stringent laws, but they were all aimed at the cause, trying to control smoking.

I think we have to laud our government's efforts, not only for introducing this legislation and saying, "Hey, folks, it's about time we quit," but we are giving people a choice. We're not saying, "We are going to force you to quit smoking." I think we want to send a very strong message that, indeed, on top of how we feel individually with respect to this terrible habit—the nuisance, the

smell—it is costing you and me and everybody else billions of dollars that we could spend in other places. And it's costing thousands and thousands of lives annually.

I know that it's a wonderful issue. We all want to have our say. Time is short. I can see that somebody is saying, "Time, time, time." But I hope that at the end of the day, when we take into consideration all the facts, both sides of the House can say, "Yes, I think we have to give in. It's another 20% minority that we are trying protect. I think it's the 80% of the population that we're trying to take into consideration, and the health of 100% of Ontarians." So I hope that, at the end, we can all support this legislation.

The Deputy Speaker: Thank you very much. It being 9:30 of the clock, this House is adjourned until 10 o'clock Thursday morning, February 17.

The House adjourned at 2130.

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First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 17 February 2005

Jeudi 17 février 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 17 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 17 février 2005

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

INCOME TAX AMENDMENT ACT (PUBLIC TRANSIT EXPENSE TAX CREDIT), 2005

LOI DE 2005 MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU (CRÉDIT D'IMPÔT POUR DÉPENSES DE TRANSPORTS EN COMMUN)

Mr O'Toole moved second reading of the following bill:

Bill 137, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit / *Projet de loi 137, Loi modifiant la Loi de l'impôt sur le revenu afin de prévoir un crédit d'impôt pour les dépenses engagées au titre des transports en commun.*

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, the member has 10 minutes.

Mr. John O'Toole (Durham): I ask the indulgence of the members of the House to look at this is a non-partisan initiative to make public transit affordable for their constituents and to encourage people to use public transit.

This bill really precipitates from listening to my constituents in the riding of Durham. In fact, as one of the thousands of people commuting daily from the Durham region, it costs me about \$20 a day. That includes getting on the GO train in Oshawa to Union Station and of course the subway up the University Avenue line to Queen's Park. What that means to a normal person, at \$20 a day, five days a week, is \$100 a week. We're suggesting in this legislation that that would be 50% tax deductible and recoverable as a direct subsidy or support to the users of public transit.

Before I get into any detail on this bill and thank the public at large and the stakeholders I have been in consultation with, I'd like to thank my legislative intern, Audrey Lemieux, who has been very instrumental in helping to draft and shepherd this piece of legislation to this point. She is here in the chamber today. She has been a great help in drafting and trying to get the mechanics of this in the order it is today.

I also want to thank the public. As I say, I've had communication with the Canadian Urban Transit Association, who have widely endorsed it, as well as my own councils in the region of Durham. There has been quite a long and engaged discussion about trying to rationalize transit and integrate it across the Durham region. There have been some pitfalls and some challenges, but just recently—I'm looking at an article in the local paper that says "Region-wide Transit Gets Green Light." That's by taking Ajax, Pickering, Whitby, Oshawa and Clarington, as well as Scugog, Uxbridge and Brock. Brock, of course, is represented very capably by my seatmate Laurie Scott. Roger Anderson, the chair of Durham region, worked very hard, along with Mayor John Mutton, to explain the transitional issues that were creating a problem. I believe I have wide support for my initiative because it would help transit authorities like Durham region, and not just Durham region but York region as well, which has done a great job in terms of trying to integrate, streamline, harmonize and make more efficient the transit systems in their area.

Also, taking a broader view of this, I was pleased that *Now* magazine, which isn't commonly known to support Conservative views, stated in its November 4 issue that, "The Tories have a great idea." I won't go on at any great length, but at least people were paying attention.

I have had a lot of comment from municipally elected people. I want to put on the record what Ted Galinis, the general manager of Ajax Pickering Transit Authority, says:

"Ajax Pickering Transit Authority is very pleased to support Bill 137, an amendment to the Income Tax Act which provides a tax credit for expenses incurred in using public transit.

"Financial incentives such as the public transit expense tax credit do much to encourage use of public transit as a viable transportation alternative. This type of incentive is necessary in making public transit a more attractive choice and motivates drivers to leave their vehicles at home.

"We believe this is a good beginning in encouraging the use of public transit and look forward to future incentives, including employer-provided transit benefit tax exemptions. It is through efforts such as these that assist in altering the public's perception and attitude toward transit and enable public transit to live up to its potential."

The point here is that public transit authorities generally realize the relationship between gridlock and other

emission issues, and the use of automobiles and public transit. There is a solution for gridlock and for the emissions issue, the Kyoto kind of issue, and it is public transit. It is one of the solutions, especially in congested urban areas like Toronto, like London, like Ottawa—large urban centres. The federal government recognizes that. Ralph Goodale recently—I look at an article here—responded that the federal budget is looking at the potential of introducing a user tax credit in the upcoming budget, very similar, respectfully, to the issue I've brought to this House today. I hope they follow through federally. I don't think I have that clipping with me; I thought I did. It is here. I can only assure you that the federal government has been looking at this initiative as well.

What does it actually do? I think this is important for people, to make sure that the issues this bill will assist them with—I am at the moment trying to find some of the stuff I'm supposed to have here. Here it is. The bill, if passed, would amend the Income Tax Act and give Ontario taxpayers 50% of the public transit expense they incur during the tax year. The bill provides a monetary incentive to encourage Ontarians to choose public transit as an alternative to motor vehicles. The Liberal government supported, in their 2003 election platform, investing in public transit that would ease gridlock, reduce air pollution, decrease commute times that keep families apart and slow down our just-in-time economy.

1010

Two years ago, prior to the 2003 election, Greg Sorbara stated in the House, "The people of Ontario have an opportunity to choose soon. If they choose with us, they will see a new era in public transportation." Joe Cordiano also highlighted the negative effects of smog caused by gridlock and air pollution. The Liberal government has utilized every possible avenue at its disposal to tax Ontarians. This bill here is an opportunity for the government to ease the tax burden in Ontario while addressing the issues of gridlock and quality of life.

Public transit is safe and it's convenient. It's user-friendly. Public transit can embrace one's quality of life: less frustration and stress, more time with family and less time commuting. Air pollution is increased as gridlock increases. The bill will get more drivers off the road and on to public transit. Easing and reducing gridlock and air pollution is important to our common quality of life.

Taking public transit is more cost-effective than commuting daily by car to work. Bill 137 contemplates various municipal public transit initiatives that are currently under review in the greater Toronto area; indeed, as I mentioned earlier, in Durham.

Having worked with my municipal partners, for whom I have a lot of respect, I want to make sure I get on the record here that Mayor John Mutton and I have just recently discussed that. He is the mayor of Clarington and is also chair of finance at the region of Durham. Here is what he writes to me:

"I have had the opportunity to read your private member's bill, number 137, An Act to amend the Income

Tax Act to provide for a tax credit for expenses incurred in using public transit.

"Public transit has been a very important factor in the overall quality of life in the municipality of Clarington. We are a growth community with many new residents moving to this area because we have a stock of affordable housing. Now that they are residents, they have to be able to access public transit to get to work, to shop, to enable their children to get to school and to part-time jobs. The council of the regional municipality of Durham has recently voted to initiate a seamless transit system for the region of Durham, using GO Transit and the existing transit systems of the Durham municipalities.

"I believe that every elected official in the greater Toronto area, at the local, regional, provincial and federal level should be trying to promote the use of public transit in order to alleviate the gridlock that exists in Toronto and the GTA and to reduce greenhouse gas emissions to the environment. You are certainly taking the initiative through your private member's bill, number 137, and I support your efforts to enact legislation to provide a tax credit for expenses incurred by the residents who use public transit.

"On behalf of the residents of the municipality of Clarington, I wholeheartedly support your private member's bill number 137."

That says it: that the municipal people, who are closer to the electorate whom we all serve, have unanimously endorsed this initiative. It's non-partisan. It helps those who can often least afford it and must take transit as a way of sustaining their lives, their employment and that of their children. It affects seniors and it affects young people.

I urge people to look at this objectively. It is an initiative that reflects the sentiment in the gas tax. It will help people and encourage people to use public transit, improve the environment that we all share, as well as the quality of life for themselves and families.

Ridership drives public transit efficiency. If you can get one car off the road, you're going to help all the other drivers, and you're also going to be helping public transit.

I ask for your support this morning on this bill.

The Deputy Speaker: Further debate?

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): Even though I have a lot of respect for my colleague who came up with this bill this morning, it is not clear to me what effect this would have on the people of the whole province of Ontario. When I look in the description of the bill, public transit expenses would include "personal transportation on a regular passenger transportation service operated by, for or on behalf of the government of Ontario, a municipality in Ontario or a transit commission or authority in Ontario."

I looked at this. Who would benefit from this? Only those in large municipalities that have public transit. I'm looking at the gas tax program that we have put in place this year. We have gone ahead. We understood the importance of having public transit and having numbers

of cars off the road by encouraging the use of public transit. I look at the city of Toronto, for example. This year, we are giving Toronto \$91 million from the gas tax. Over a three-year period, we will be giving them \$365 million. When I look at Ottawa, this year Ottawa is getting over \$18 million from the gas tax.

Interjection: Unbelievable.

Mr. Lalonde: Unbelievable. When I look at the municipality where I come from, it would come up with a shortfall from this province. We either go with the gas tax or the tax credit. I was talking to an accountant this morning. If we look at 50% of the tax receipts we will get, it's a tax credit. There are two kinds of tax credit. You have the basic tax credit and you have an income tax credit. In this case, it's a tax credit which amounts to 22.05% that the government would have a shortfall.

We heard about the tsunami relief that the federal government has given to the people who were hit by the tsunami. The federal government says, "We will give over \$400 million in donations or credit to those people." Some \$146 million to \$159 million came from tax credits. In this case, I look at the town of Rockland, for example, where we have a public transit system. This is the only one I have in Glengarry–Prescott–Russell. This would mean a shortfall of \$11.17. It represents approximately \$38.69 additional revenue to the Ontario taxpayers.

I definitely recognize the intent of the bill, but why have we not looked at the whole of the province? Some people have public transportation services, but they're not run by the government; they're not run by the municipality; they're not run by a commission; they're just privately owned bus services that are providing transportation services to urban centres from the rural areas. This wouldn't be fair for those people.

I know John O'Toole is a very good hockey player. He knows how to stickhandle. On this one he said that if we were to come up with this project, it would put the government in a position that would mean that if we're not giving this to the people, the people would probably turn around and not support the Liberals. But those—I wouldn't call them gimmicks, but that approach is unacceptable to the citizens of this province when they know all the effects this would have. If we come up with this tax credit, are we going to come up with cuts in other services?

We have to balance the budget. The previous government was not able to balance the budget. We intend to balance our budget over our terms in office.

Mr. Speaker, I will now give a chance to my colleague Vic Dhillon to continue speaking on this bill.

The Deputy Speaker: Just for your information, it goes in rotation. So it will come back to you.

The member for Simcoe–Grey.

Mr. Jim Wilson (Simcoe–Grey): I'm pleased to join the debate on what I think is an excellent proposal by my colleague Mr. O'Toole, the MPP for Durham. As the Progressive Conservative transportation critic, I wish I had thought of this myself or that John had provided me

with the idea so I could look good to all of those commuters and people who would like to use public transit. Perhaps this bill will spur them to get out of their cars and use public transit, because it will give them a tax credit for 50% of the cost of public transit. Public transit, as we know in the city of Toronto, is not cheap. It's \$98.75 per month for a TTC Metropass. Some other fares that we have here, as soon as I find them: The GO bus from Barrie to Toronto costs \$20.80 per round trip; a monthly pass is \$331.

1020

Speaking on behalf of the people of Simcoe–Grey, in my riding, I note the statistic from the Ministry of Transportation that there are—the only statistic we have is from the city of Barrie to Toronto—some 20,000 commuters a day going from just Barrie alone, up near my part of the province, to Toronto. Soon, we hope, the GO train will go all the way to Barrie, and perhaps once this is widely publicized, if the government would adopt this idea in the upcoming provincial budget—Mr. O'Toole's timing is excellent with this private member's bill—this would be a great way to provide an incentive for people to get out of their cars and use the GO train. The GO bus right now is available from Barrie and, as I say, it's very, very expensive.

Gridlock is probably the number one issue that everyone commuting from my riding thinks about every morning, because you've got two or three hours to think about it. If I want to get down here for an 8 o'clock meeting from Wasaga Beach, I have to be going through Barrie by 5:30 in the morning. So it will take me from 5:30 till 8 to get here, and it gets worse.

I read yesterday in a newspaper article that we used to call gridlock "rush hour" in Toronto. According to the Ministry of Transportation, it's now called "rush 13 hours." They estimate that the traffic is congested over a 13-hour period, morning and evening. That's my own experience as an MPP. Of course, we're provided with a subsidy for an apartment in Toronto. Not everybody is provided with that. Nonetheless, I still find myself often commuting several times a week, and it's horrendous. This is the best idea, Mr. O'Toole's idea, that I've heard of in 14 years with respect to public transit.

We always went about it in another way. We always went about it that we'd subsidize the TTC. You mentioned the gas tax, and although Toronto's going to get less under the gas tax scheme than they got under the Mike Harris–Ernie Eves transit subsidy—probably about \$9 million less this year than they got in our last year of office—the fact of the matter is, we have always gone about it in the front end by trying to lower the ticket fare.

Usually, this type of tax incentive, tax credit, is a better way of going about things, because people have to put the money forward and make the commitment, knowing that when tax time comes, they can get 50% of that back, just like medical expenses and charitable donations. So, for the people at home, that's what we're talking about.

The government should be embracing this. I was disappointed to hear just a few minutes ago that the

member from Glengarry–Prescott–Russell doesn't think this is the greatest idea in the world. I don't know why. I bet Mr. Goodale, the federal Liberal finance minister, as Mr. O'Toole said in his remarks—I know he's seriously looking at it. We've seen that in media reports. I bet he'll do something in his budget, and I would encourage the government, on behalf of all the people who have to commute every day, to give them an incentive to get out of their cars. They want to do that anyway because of the high price of gasoline, and we see no relief in sight on that over the next decade.

We know, in my part of the province, the GTA area and just north, that over the next 20 years, the population will almost double. We're expecting 2.6 million more people. So the sooner you can get the GO train up there, the sooner you can get people using it. This is a very pleasant way to encourage them to go to public transit.

Finally, I want to mention one thing—because I rode the TTC recently—and that is about their student fares. I promised that I would raise this in the House, because I got an e-mail from a mother, Christine Walsh from Peterborough, whose son is going to school in Toronto, but because his permanent home residence is Peterborough, he is not entitled to the student rate on the TTC. Yet, if you're a senior citizen in this province, no matter where you live, you go to buy a senior citizen TTC token and you just have to show your proof of age. It doesn't matter whether you're from Peterborough or Collingwood or Tottenham or whatever—

Mr. Gilles Bisson (Timmins–James Bay): Timmins.

Mr. Wilson: —or Timmins—my old northern hat on—it doesn't matter. As long as you're a senior citizen, you're entitled to the senior discount. It doesn't work that way for students. So we're asking the TTC to do that. That doesn't make any sense. Most people don't live in a university town. They have to go to school somewhere else, like Toronto. It would only be fair. So I'm dealing with Howard Moscoe, which is always a pleasure—

Mr. Bisson: A good friend of mine.

Mr. Wilson: —and I haven't heard back from him. You know, Howard is pretty good to be on the airways when it's his issue, but when it's someone else's issue, you never hear much from him. But hopefully, he'll get back to me. He's had two months to think about this.

Having said that, I'm going to leave the floor to my colleagues, but I just want to encourage the government to adopt this idea before the feds beat you. You'd look good, commuters would love you, and it would go a long way to getting people into public transit.

Mr. Bisson: To my good friend, Mr. Wilson: They don't want to look good. That's the whole point. All these guys in government want to do is make people mad. I've been watching them for the last, almost two years now. Any time they get a chance to break a promise, they break a promise, so they make people mad. To my good friend from Simcoe, I've got to say, I don't think they're going to do it because they'd look good.

To the author of Bill 137, I think this is not a bad idea, actually. I'll echo what was said by a few people before.

It's not a bad way of dealing with what is a fairly significant issue when it comes to the city of Toronto, and also for commuters. We know there is a gap between what it costs to run the TTC and what the province is giving—I'm going to talk to that in a few minutes—and this is kind of an innovative way of coming at it and saying, "Let's try to put some dollars back in the pocket of the actual transit users by way of a tax credit." I never knew that this existed. I always assumed that people had the right to do this. But unfortunately not, because currently, as any Ontarian, if you're not getting a mileage allowance from your employer or a car allowance of some type, you're allowed to deduct your car or your driving to and from work in certain circumstances. That would bring transit somewhat in line with what the rules and provisions are under the Income Tax Act. So I think it's not a bad idea.

To the issue of Toronto transit, I just think it's interesting. My good friend the critic for the Conservative Party probably would like to bear this out, if he can get the floor back. You know, we were here yesterday. We watched the Premier. The Premier got caught in a scrum yesterday morning, and he said, "Oh, Lord, we're having a hard time in Ontario. That bad old federal government, they're just not giving us the money that we're entitled to. We've got to run into the House, and we've got to get an all-party motion here in order to say the feds are bad and we're good." Imagine how the city of Toronto feels when they look at that. It happens to be that there is a \$70-million gap between what it actually costs to run Toronto transit and what the province is giving. I just sit here and say, "Hang on a second here. Something is a bit askew." If it's good enough for the Ontario government to whine against the federal government, then it should be good enough for the city of Toronto to whine against the provincial government.

There's an old saying: Physician, heal thyself. I think the Premier would be well set to try to deal with municipalities fairly, because they're our transfer partners. We're responsible for municipalities, much the same way that the federal government is responsible to us when it comes to transfers. Maybe we should be setting an example of what we should be doing with our own transfer partners before we start whining to the federal government on the issue of how much money we are entitled to.

Now, why are we in this situation? I think it's quite a simple one. It's not the government that created this problem; I'll give them that much. We have a deficit in Ontario. First of all, the Liberals knew there was a deficit before they got elected, so I don't buy this argument, "Oh, big surprise, didn't know, boo hoo, boo hoo." We all knew that there was going to be a deficit; we all knew it would be about \$5 billion. I think, more to the point, the issue is that the federal government has got a surplus. And why do they have a surplus? Because they didn't do tax cuts. At a time when the economy was slowed down, at a time when we were trying to come out of one of the worst recessions we had seen in Ontario in a long, long

time, up to the mid-1990s, the provincial government decided, contrary to the federal government, to do tax cuts. When you annualize the tax cuts in today's dollars, if you were to say the province of Ontario would have never, never, never cut taxes in the way that they did, we would now be in our own surplus situation here in Ontario. The actual number, when you annualize it, I always thought was around \$6 billion, but somebody yesterday was telling me it was closer to \$10 billion. But I'll be more conservative in my approach and say it was \$6 billion. Well, you know, you wouldn't have a deficit in this province. So that's how we got into this mess in the first place.

Imagine the federal government—we'll get a chance to debate that this afternoon, and I'll speak to that more then. They're going to listen to our request for them to give us \$5 billion, and they're going to say, "Well, you did it to yourselves. Why should we bail you out of your problem?" That's a bit of the argument. I think we'd be better served to come at this from a completely different perspective, and I'll talk about that in this afternoon's debate on the emergency motion that the government will bring forward. But I wanted to raise it in the context of this bill, because the province finds itself in the same situation with the federal government that the city of Toronto has with the province.

1030

On the issue of the tax credit for transit, that's not a bad idea. We need to find ways of being innovative when we provide a public service so we can do it at a cost that is as reasonable as possible. One of the ways to do that, obviously, would have been to say, "We will give transit more money to make sure that they don't have to raise the fares." That is one option. The other option is to offset the costs somewhat, because we know that transit costs are going up. One way of doing that is to do what the member suggests by way of this bill, which is that you can deduct the full cost to buy a transit pass or a GO Transit pass against your income tax, and I think the rate you would be able to get back is about 50%. It's not a bad way of dealing with the end users so that they're not put in the position where it becomes so expensive to get to work that they're in the position of being almost in the negative every time they get up to go to work.

The other thing is what the member for Simcoe—Grey raised, and that is the congestion on our highways. He's right. I use that highway on a fairly frequent basis. I come down Highway 11 from northern Ontario, and around Orillia it starts to get pretty busy. When you get to Barrie, you may as well say you're in a parking lot, from Barrie to the top end of Toronto. Then, when you get on the 401, it's another big parking lot, but it's going east-west. Then you get on to the streets of Toronto and it gets even worse. The point is, why do we have all that gridlock? Because we have not provided a good alternative for people to be able to move on mass transportation.

If we look at Europe, for example, Europe has been much, much more progressive and forward-thinking

when it comes to getting people off the roads and on to trains or subways. If you go to cities like Paris or London or others, if you go anywhere within Germany, France, Italy, Spain or England, you have a very good intercity train system. You can stand at any railway track in Europe and wait for a train to come by and go pretty well anywhere you want to go at a pretty reasonable cost. So most people say, "Why use the highways when I can do it that way?" That's something this government has not created, and it's something we have to deal with.

I think the government would be well advised to let one of our standing committees of the Legislature take a look at this issue, to ask, what kinds of things can we do as a province, in partnership with the municipalities and our federal government, and possibly the private sector if that makes sense, in terms of how we move people off our highways and into a mass transportation system?

For example, can we do a better job of how we run our already public system of GO Transit? I think the answer is yes. Certainly GO Transit services should be expanded into other communities. If we can do that and, more importantly, provide a frequency of service that is usable on the part of the commuters, you're going to take them off the highways. If you take them off the highways, then you don't have to build bigger highways, so you save some money, plus you reduce the overall amount of emissions into our atmosphere, which is something we should all be aiming for, especially with the Kyoto Protocol being brought forward, which I think we all support, by and large.

We can probably do some pretty innovative stuff, but I don't think one person has the answer. I think the standing committee would have to go out, over the period of a winter session or a summer session, and canvass the various people who are involved in transit, to talk to riders and everybody who has something to say on it so we can at least come forward with a comprehensive plan to deal with gridlock. If we did that, I think we'd be well served in the future. That's not to say that once the committee finished its work, all these problems would go away, but it would provide the province of Ontario with a plan—something it doesn't have—about where we should be making our key investments within the current system and how we can expand the system in other ways.

For example, as I mentioned earlier, if you're able to provide really good GO Transit services to the cities of Barrie and maybe even Orillia, you would take people off the highways. Jeez, it would make a heck of a lot more sense than having to take one's car. On the other hand, for northern Ontario, obviously, that may not be an option because the distances are greater.

In Europe, which is interesting, they've got what they call the TGV. You can get on a 300-kilometre-an-hour train that moves pretty darn quick. It would probably be far too expensive to build, in terms of laying track all the way into Hearst and westward into Thunder Bay. The ridership may not be there to recover that kind of cost, so in northern Ontario we may have to look at something different. You'd probably have to look at an investment

in our highways to make sure we finish the four-laning promised by this government—for example, Highway 69.

I don't know how many times the former member from Sudbury, the now Minister of Northern Development and Mines, when he was in the previous Parliament, went after the Tory government to four-lane Highway 69, denounced the government for not doing it, did all kinds of press conferences along the highway. Every time there was a fatality, he ran to the media saying, "We've got to four-lane Highway 69." Then he gets himself elected—bully for him; his party won—and people in the media asked him, "When can we have Highway 69 finished?" "Oh, six months from now I'm going to have a comprehensive plan." Six months went by—no comprehensive plan. The only thing they did was that they went and had a press conference on the highway where they announced they were going to make one overpass and one underpass. I guess that's the sort of four-laning they were thinking about, but we're nowhere nearer where we need to be than what he was promising when he was in opposition. The question is, with the scarce dollars we have as a province, where would it be better to spend our money when it comes to four-laning highways or providing passing lanes so those passing lanes are able to move traffic along?

Again, we need a strategic plan. The problem is that nobody has gone out and done the kind of work that's needed to say where the bottlenecks are, where the congestion is. Does it make more sense to invest in four-laning Highway 69, or do we have to do something else? Do we have to put passing lanes on Highway 11 or Highway 17? God only knows. That committee would be able to look at that issue.

The other thing that that committee could look at for northern Ontario is the whole issue of air service. The reality in northern Ontario is that to get down here to the city of Toronto—which other people call the centre of the universe—it really is the only option if you're trying to get here quickly. The problem is that we are in the worst possible situation in northern Ontario. The federal government some years ago deregulated the airline industry, so it became open competition for anybody who wanted to set up shop, and they privatized Air Canada. We went from jet service in places like the city of Timmins, which used to bring us to Toronto for a fare, in today's dollars, of maybe \$150 return, to where you are paying, on a deal—I pay \$700 to go home every weekend. I can fly to Vancouver cheaper than that. In fact, I went to Vietnam two or three weeks ago, and the ticket I purchased—I used my Aeroplan, but if I had bought the ticket, I could get a ticket to go to Hong Kong for around \$1,400 or \$1,500, but I have to spend almost a thousand bucks to go to the city of Timmins. It doesn't make sense.

One of the things that the committee could look at, if we were to form a committee to do such a thing, is to take a look at the kinds of things the province can do, or the kinds of things the province needs to do with the federal government, to provide air service in northern

Ontario that works, first of all, and so we have east-west connections, not just north-south connections. It could look at what we need to do to provide a transportation service that is reasonable when it comes to cost.

I want to remind people that northern Ontario goes far beyond Timmins and Hearst. There's the whole question of travel among the northern communities north of 51. We need to look at transportation for all those communities along the James Bay coast, like Big Trout Lake and others on the northwest, because trying to buy everything from diesel fuel to milk or bananas or whatever it might be is astronomically expensive in communities like that because they don't have highways to bring the stuff in. The only way they can bring it in is either by winter road, which costs a lot of money to make every year, because basically you're using the frost on the swamp to build a road, or to bring it in by air. To give people an idea, the cost of milk in a community like Attawapiskat is about four times the price you pay here in the city of Toronto. How do a mother and father provide milk for their growing young children when they have to pay those prices? It's pretty ridiculous. The point is that one of the things the committee should look at is the whole question of transportation for those communities north of 51.

At the end of the process, we'd find ourselves in a position where we would be able to come forward with a comprehensive transportation strategy for the province of Ontario. The three distinct parts, in my view, are the urban centres around southern Ontario, southeast and southwest; the central and northern part of the province, up to places like Hearst and the northern part of Highway 11, the northern transportation route; and also a plan for what we do north of Highway 11, which is basically the north of 51. I think that would be a good idea. We would be able to look at a number of issues and alternatives about how we're able to come forward with a comprehensive transportation strategy.

1040

I do want to say to my good friend Mr. O'Toole that New Democrats will support your motion. We think it's a darn good idea. I hope the government doesn't kill this thing. We should at least allow it to go to committee. I heard the parliamentary assistant get up and say some bad things about the bill. I hope what he means is that Liberals will vote in favour of the motion to allow it to go to committee so we can have a discussion about it, take a look at the alternatives and look at what the idea looks like. From there we'd bring it in for a third reading vote, and then the government can do what the government's going to do. But to say no at this point and kill the bill, for it not to get second reading, I think would be a disservice to the transit riders of Ontario.

Mr. Vic Dhillon (Brampton West–Mississauga): I'm glad to speak to the bill introduced by my colleague the member from Durham. I think, and my constituents think, that Bill 137, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit, is an important bill.

A large segment of my riding is comprised of new immigrants. Most often, these new immigrants automatically resort to buying an automobile once they arrive in Canada and don't even think about using public transit. I think this bill gives them a very good incentive to think about using our public transit system.

Over the past few months, I've been approached by several seniors' groups in my riding about the rising cost of public transit. This bill is welcome news to these people, and they'll be very happy to know that it'll be more economically feasible for them to use public transit.

The provincial gas tax funding was very well received by Ontario's municipalities. Our government is committed to public transit. In fact, we're committing over \$300 million to public transit. This is much more than I can say for my colleague's party. I have to admit, when the bill was introduced, I was very surprised that it had Tory affiliation. Our government has been very supportive of transit within Ontario. Whether it's the environmental assessment for the extension of the Spadina subway to York University, the AcceleRide rapid transit initiative in Brampton or the GO-Mississauga rapid transit busway, our government is committed to getting people moving on public transit.

Car owners who use cars for business or their jobs can deduct part of their car expenses from income tax, often to great advantage. Why can't taxpayers who use public transit to get to their jobs, at far less environmental cost, also benefit from the tax system? This will definitely increase transit ridership, getting more people out of their cars and on to trains, subways, streetcars and buses. Increasing ridership is a major tenet of our government's transit philosophy.

Again, based on what other jurisdictions are doing—Quebec comes to mind—I think this bill will be very beneficial to our constituents. A lot of my constituents are recent immigrants and are good, honest working people just trying to make ends meet and raise their kids. Transportation costs can mount, and this bill, which I'm happy to support, will go a long way.

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate on the member for Durham's bill. I fully support this change to the Income Tax Act to provide a tax credit for expenses incurred in using public transit.

Some of the information provided by the member was a regional breakdown of the number of commuters into metro Toronto. From my area, Barrie, there are 20,000. I can tell you, being on the highway—I was on the highway very early yesterday, at 5 o'clock in the morning, coming down here to Toronto, and it was just bumper-to-bumper at that time. That just continues all through the morning.

We need public transit. We made a significant investment, when we were the government, to the city of Barrie. We gave them \$2 million toward saving the rail from Barrie to Bradford, because the federal government at that time had brought legislation in to discontinue and

pull out the track, and they were about to do that. So the city purchased and owns the rails.

GO Transit has done an environment study—and it's completed now—for the three sites: one on Mapleview Road off Highway 11; one down in Bell Ewart; and another one at the old Allandale train station. That has been done, and it's GO Transit's plan to be going ahead with the operation by 2006.

We're hopeful that the city of Barrie is going to approve that, just like they did in Bradford-West Gwillimbury recently to expand their GO Transit service, because they have up to three trains a day out of Bradford, hopefully to go to six trains. So we're waiting on the city of Barrie for them to make final arrangements with the province and the federal government for that to happen.

So I fully support the bill. Certainly, a public transit income tax credit will encourage more use of public transit. I think we now have about 10 to 15 GO buses a day going out of Barrie. I know Jim Wilson's constituents use it also. So it's very important that this happen. I think it's a very progressive measure by the member from Durham.

Ms. Laurie Scott (Haliburton-Victoria-Brock): I'm very pleased to rise today to speak on the motion from the member from Durham, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit. He mentioned at the start that it's a non-partisan issue, and I think all of our ridings certainly face some transit challenges.

In my riding of Haliburton-Victoria-Brock, some of you may be surprised to know that General Motors is the number one employer. So there's a lot of traffic that's going down to the south and the west in the riding. One part in Pontypool still has some train tracks. I know the member from Simcoe had mentioned that there were trains available. We just have one track left in the northern part of the riding—they've lifted all the tracks—and I know the snowmobilers are happy, because they use it to snowmobile, but there are still some opportunities in the former Manvers township and around Pontypool. There's a train track there.

I know GO has mentioned for several years a possibility of coming to that community with a train, which we fully support. There's no question that if transit is made more affordable and more accessible, especially in my part of the riding, we can deal with our gridlock problems, especially with the greenbelt legislation coming in and the leapfrogging that's going to occur. We need to plan for that, and I think this would be good for the environment and good for our quality of life, with fewer people sitting in their cars, away from their families. They would be able to add more to their communities.

So I think the 50% tax credit is great. The member from Durham mentioned Brock township, which is in my riding. It's also in Durham region, which has GO buses there now. I think this would increase their ridership. Just the number of students alone from our area going to Durham College and the University of Ontario Institute of Technology has been increasing, and they're included

in the greenbelt so far. We want to encourage more of the public transit there.

In an article in the *Globe and Mail* on Wednesday, February 9, by Jeff Sallot in Ottawa: "Minister Ralph Goodale says he is ready to use the tax system to promote a clean environment, suggesting yesterday that the coming budget could have tax breaks to encourage commuters to use public transit." We need the federal partners in here.

"Environmental groups want the government to introduce 'green budget' measures, including encouragement to employers to provide transit passes—instead of parking spots—as a non-taxable benefit for workers."

So I commend the member for Durham. I think our thinking has got to be progressive, it's got to be in that direction, and I want to fully support his bill. I think it's a great idea. I encourage all the members of the Legislature here to adopt this bill today.

1050

Mr. Frank Klees (Oak Ridges): I'm pleased to rise today in support of this important piece of legislation proposed by the member from Durham. It's this kind of thinking that we need, not only in this chamber but also at the federal level of government. Transit is, without question, the key to unlock the problems that we're facing in the GTA, and that is the problem of gridlock. We have many other issues that are facing us, but when it comes to the issue of quality of life, there is a very practical challenge that we face, and that is the issue of gridlock.

I want to take this opportunity to commend the good work of the region of York and the vision they have to deal with this issue of integrated transit throughout York region. Kitchener-Waterloo as well deserves to be commended for taking these important steps. Often there's so much polarization at the local level that they fail to see the importance of bringing municipalities together and working together.

The saying, "Build it and they shall come," is not true. What the member from Durham has recognized is that once you build the transit system, you also have to motivate people to use it. The way you do that is by coming forward with proposals such as the member for Durham has presented to this Legislature to give people a very practical reason for focusing on transit. We have to make it attractive for people to choose the transit option. Responsible local governments will work with the provincial and federal government to ensure that the funding is there.

Our government, you may well recall, made it possible and delivered to the region of York some \$50 million for their Quick Start program for their transit program. That program today is working. As you drive through York region, you can see the evidence of that money at work. They are now looking to move to the next step, and we implore the minister of infrastructure and the Minister of Transportation to support the region of York with funding so they can indeed move on to the next step of that important transit strategy.

Again, I commend the member from Durham. He has always been a member who looks at the very practical issues facing his constituents, facing the people of this province. Transit is a key. We have a serious gridlock problem throughout the GTA and in other areas of the province, be that Ottawa, Windsor, other areas such as Kitchener-Waterloo, the London area. What we need now are practical solutions. I pray that the people opposite, who may be tempted to look at this as a partisan issue, will just look at it from a public policy perspective and know it's the right thing to do, that this bill be sent to committee to work out the details in terms of how it should be implemented and make whatever necessary amendments perhaps are required to have it fit into the overall transit strategy of this province, and we will see good public policy as a result of this proposal being put forward by the member from Durham.

The Deputy Speaker: Further debate? Further debate? Sorry. The member for Stoney Creek.

Ms. Jennifer F. Mossop (Stoney Creek): Thank you very much, Mr. Speaker. Tucked away in the corner here, it's easy to miss out.

Anyway, I'm very pleased to speak to this, An Act to amend the Income Tax Act to provide for a tax credit for expenses incurred in using public transit. I think it is a good idea, a good initiative, for all the obvious reasons that have already been talked about this morning. It encourages use of public transit, which hopefully will alleviate the congestion on the roads out there, give us cleaner air and also even the playing field: In some cases, there are those workers who do get a car allowance or a tax credit for using their car and there isn't that same provision for those who use public transit.

I've listened carefully this morning. It's interesting, because it's turned into a bit of a venting session for commuter angst. I'm going to join in, because I spent six years driving between Toronto and Hamilton. I had to leave the Toronto area during rush hour, at 3 o'clock, 4 o'clock in the afternoon when all of Toronto is leaving Toronto and heading west, or it seems that way, along the QEW. I had to use a car because there was no GO Transit returning at the hour that I was returning, which was after midnight. So I would sit in this car every day and watch cobwebs form on the cars around me, and I would try to amuse myself coming up with entrepreneurial ideas, like maybe I could start a chip wagon out there on the highway and I could walk in between these cars and sell potato chips and cold drinks or something to these people who had nothing else to do but stare at the tail lights of the car in front of them. You get all these wonderful suggestions from your friends, who say, "Why don't you try some of those talking books? You could do those." I tried some of that for a while, and maybe I could learn another language, and I tried a bit of that.

You can spend hours and hours out there, and quite frankly, it sucks the life out of you after a while. We've already heard from doctors who say that commuting is a serious health problem. I know why, because I did it for so long. It is a serious health problem. So we do need to

improve public transit. I think an initiative like this points in that direction and it's a good idea.

The other thing I wanted to talk about a little bit: I know that our government is committed to improving public transit, is committed to cleaner air, to improving infrastructure and all the rest, but I don't want anybody to think I'm taking any chances. All MPPs like to invite cabinet ministers for visits to their riding to meet with their constituents. I always try to time the visits of cabinet ministers to rush hour so that they have to leave Toronto and go along that QEW toward Hamilton in the worst possible traffic. Invariably they get there late because they didn't anticipate it was going to take them two hours to get between Queen's Park and Hamilton and Stoney Creek, but indeed that is how long it will take you if you are trying to do it during rush hour. Rush hour, by the way, is no longer a couple of hours in the morning and a couple in the afternoon; it's pretty much all day long. Everybody out there who's done it knows that I am speaking the truth. You might get an hour's break somewhere in the middle of the day, but if there's an accident, then you're toast, because all bets are off at that point. You're not going to get anywhere in any period of time. So I always try to invite my cabinet ministers for a visit during that big, terrible, rush-hour period. They finally arrive and get out of the car, "I'm so sorry. I hate being late. This is dreadful. But, boy, the traffic's just awful," and I say, "Yes. GTA actually stands for 'God, traffic's awful.'" At least that's what it has come to be in these many, many years. I haven't seen any improvement. We are very addicted to our cars. In fact, the working world, the way it works now, where we're actually working 24/7, doesn't help much because public transit isn't meeting the needs of the 24/7 world yet in many cases. There's a lot of work that has to be done in the area of public transportation.

We've also heard about other parts of the world and how much better they do public transit than we do. I spent quite a bit of time in Europe and never had a car. I travelled nine different countries, on public transit all the time. Their systems are so much better than ours. They have so many more people in a smaller space as well. Perhaps we've just been spoiled by the space we have. We've always had bigger cars and bigger roads, but it's catching up with us now and going far beyond us. We need to be very aggressive in making some changes with regard to public transportation, to lessen the congestion on the roads so that we aren't driving people absolutely out of their minds by having to do those sorts of things.

The tax credit that is being proposed here I think is a good start, a good initiative—pointing in the right direction, as it were, for this sort of thing. But I just have to encourage everybody out there to think about it before you get in your car. If you really don't have to take your car, don't take your car. Try public transit. The public transit we have is very good if it fits in your schedule. That's the only problem: sometimes it doesn't fit, which is why we need improvements. But if it does fit in your schedule, if you are able to do it, do it, because it's nicer

to sit on a train or subway and read a book than to sit in a car with your knuckles wrapped around a steering wheel getting whiter and whiter because you just can't stand what you're facing. You're probably going to have a better chance of getting where you're going on time if you use transit as well.

I think this is a good initiative. I'm really glad to see it coming forward. It certainly won't cure the whole problem of public transit, but it's a step in the right direction, and that's a good thing.

The Deputy Speaker: Mr. O'Toole, you have two minutes to reply.

Mr. O'Toole: I would like to thank each of the parties, specifically Mr. Lalonde, who of course is the critic in this area, and our own caucus, Jim Wilson from Simcoe-Grey, as well as Frank Klees from Oak Ridges, Laurie Scott from Haliburton-Victoria-Brock and Mr. Bisson from the NDP.

It looks to me, with a few exceptions, that there's general endorsement as well by the member from Stoney Creek in her comments—supportive comments, I might say. That's encouraging, to take this as a non-partisan way of recognizing the frustration and the expense for commuters, as well as the benefits of increasing ridership, which is to the quality of life that we all share, and the reduction in gridlock.

1100

Jim Wilson is our transportation critic, and he spoke to the issue of commuters, of students commuting and transit cost as part of education costs. I know he was very, very flattering and supportive. The closing remarks from our caucus were by Frank Klees, who was the Minister of Transportation and knows full well the implications of building more and more infrastructure in the form of highways and bridges. Public transit: It's time to turn the corner, and it's time for the government to realize that their current strategy, the gas tax, has a potentially high risk of failure.

I'm going to refer to an article in the Toronto Star from February 16. This is by Royson James, who writes often on these issues, talking about Mayor Miller having the Premier in the headlights.

What has happened is that the gas tax that's being transferred to the city of Toronto is being offset by reducing the city's contribution. In 2003, Toronto provided \$182 million in support, last year it went to \$142 million and this year it's down to \$123 million. As the province adds more, the municipality cuts back. We need to ensure that the drivers of Ontario move to transit.

ASIAN HERITAGE ACT, 2005

LOI DE 2005

SUR LE PATRIMOINE ASIATIQUE

Mr. Wong moved second reading of the following bill:
Bill 113, An Act to proclaim the month of May as Asian Heritage Month / Projet de loi 113, Loi proclamant le mois de mai Mois du patrimoine asiatique.

The Deputy Speaker (Mr. Bruce Crozier): According to standing order 96, Mr. Wong, you have 10 minutes.

Mr. Tony C. Wong (Markham): As a member of Asian origin, I feel extremely proud today to rise and speak to Bill 113, the Asian Heritage Act, 2005. It is now a cliché to say that diversity is Ontario's strength. Immigrants from many Asian countries have chosen Ontario to be their home. It should come as no surprise that after English and French, the third most spoken language in Canada is Chinese, followed by an array of Asian languages including Vietnamese, Tagalog, Punjabi and Tamil.

Asian Canadians are a large percentage of Ontario's population, with more than 1.5 million Ontarians. That's 12% of our province's population. It is important to recognize and pay tribute to the many Ontarians of Asian descent who have contributed and continue to contribute to the welfare and development of our province.

British Columbia is the only province to have officially declared May as Asian Heritage Month. That happened in 1996. On December 6, 2001, the Senate of Canada passed a motion designating May as Asian Heritage Month. The Senate adopted a motion introduced by Senator Vivian Poy to recognize May as Asian Heritage Month. On May 21, 2002, a declaration was signed by Senator Poy and a number of other federal representatives officially declaring May as Asian Heritage Month in Canada.

I want to talk about a bit of history also related to economic contributions. Asians settled in Canada more than 100 years ago. Their hard work and entrepreneurial spirit contributed to the evolution and development of many of our country's natural resources industries. South Asian immigrants initially worked in lumberyards, with a few opening their own mills once they got settled. And we must not forget the significant role that Chinese Canadians played in the construction of the Canadian Pacific Railway. Many gave their lives to what Pierre Berton described as the national dream.

Over 17,000 Chinese workers were brought over from China to spend the next four years completing the most difficult and dangerous section of the railroad. At least 600 Chinese workers died while working on the railroad. One Chinese worker died for every mile of track. Upon completion of the railroad in 1884, Sir John A. Macdonald commemorated the efforts of Chinese workers. He stated: "Without the great effort of the Chinese labourers, the CPR could not have been finished on schedule and the resources of western Canada could not also be explored."

I want to talk about economic prosperity and trade partnerships. As globalization brings us together, Ontario needs to leverage its multicultural workforce. The biggest growth economies are in Asia, specifically China and India. China's economy is gaining such strength that it is destined to become the world's largest trading partner. Our diverse workforce connects us to the rest of the world and gives us an edge over other countries. This

workforce and its connectedness through family, friends and business partnerships will enable Ontario to form significant trading relationships with China and other Asian nations.

With respect to cultural contributions, Asian Canadians have greatly enriched Canadian culture. We need only look to the world of literature and the names of Joy Kogawa, Paul Yee, Michael Ondaatje, Anita Rau Badami, Shauna Singh Baldwin, Wayson Choy and Rohinton Mistry to remind us of how lucky we are to have such great writers tell us wonderful, compelling and thought-provoking stories in their own unique voices that reach back into their Asian heritage and experience.

Asian Ontarians have also excelled in other areas, such as sciences, the medical community and government. Our current Governor General, Adrienne Clarkson, was a journalist who blazed many trails and who is one of Canada's greatest advocates for its artists.

I probably don't have time to talk about medical and other contributions, but I want to talk about our opportunity to right a historical wrong. Asian immigrants' industriousness was not always appreciated. There were many attempts to curtail Asian immigration, as well as the rights and freedoms of Asian Canadians, through such draconian policies as the infamous head tax. We have an excellent opportunity to demonstrate Ontario's maturity. We are a province of acceptance and openness that celebrates our diversity.

This bill is more than a symbolic message. Bill 113 provides an important opportunity for all Ontarians to learn and celebrate the rich heritage we share as a result of the contributions Asian Canadians have made to our great province. In supporting this bill, we are providing a wonderful learning opportunity for the generations to come to discover and acknowledge the contributions by celebrating May as Asian Heritage Month. May is an excellent month to utilize Bill 113 as a springboard to teach our youth about the integral role that Asian Canadians have played in the development of Ontario, as school is still in session. Designating May as Asian Heritage Month is an opportunity to celebrate the cultural, economic and political contributions from the people of Asian heritage who make up the province's social and cultural fabric.

What makes us truly Canadian is our inherent understanding of multiculturalism. We relish the diversity of our communities and welcome the variety of cultural choices in our lives. This is what makes us unique and the envy of the world, and why so many go to such great lengths to make Ontario their home. We maintain our Canadian identity while celebrating our ancestral, ethnic and cultural ties. But what is special about Ontarians is not just our pride in our own heritage but the pride we take in celebrating the myriad of cultures that comprise our diverse society. Celebrating Ontario's diversity allows us to grow as a province and as a people, culturally, spiritually and economically.

I want to refer to a statement that was made by Senator Poy on May 25, 2004, in her speech to the

Rotary Club of Canada: "This month is about the internationalization of knowledge, because fostering intercultural understanding in Canada is the first step to creating a truly cosmopolitan Canadian individual who is ready to take on the world. And indeed, for our young people, this kind of multicultural education is more important than ever because they are going to have to compete with the best and the brightest around the world."

I'm proud to table this bill and move it for second reading. I'm sure that many members of all parties will be supporting this bill, and that they agree with me that we in Ontario and we as Canadians have come a long way.

1110

The Deputy Speaker: Further debate?

Mr. Frank Klees (Oak Ridges): I'm certainly pleased to rise to add my comments to this debate. I commend the member from Markham for bringing this bill forward.

I have the honour of representing the riding of Oak Ridges, which is composed of the communities of Richmond Hill, the northern part of Markham—north of 16th Avenue—and Whitchurch-Stouffville, one of the most highly ethnically diverse ridings in the province. That's what makes it so rich. Within the context of the Richmond Hill area of my riding, some 30% of the voters are in fact of Asian descent.

I am proud to call friends those individuals who have come to this country, either themselves or their parents. I too am an immigrant to this country. I was five years old when my parents immigrated from Germany. I know that they came here, that they made that decision to immigrate, because of the opportunity that was here, and that is here for anyone who chooses to seize that opportunity and the freedoms represented here. It's appropriate that we recognize our heritage. I am proud of mine. We should all be proud of our heritage, and those who are of Asian descent have much to be proud of.

I want to refer to some of the organizations within this province, and specifically within my riding, that celebrate that heritage. One is the Mon Sheong Foundation. This is an organization that is doing much good, not only within York region but across the province. The Mon Sheong Foundation was based on a philosophy of care and respect. It is based on the life of Mon Sheong, who lived in China around 300 B.C. The Mon Sheong Foundation has sponsored the construction of long-term-care facilities throughout the greater Toronto area and provides ethno-specific care for individuals who are much in need of care and support in their elderly years.

I also want to pay tribute to another organization, the Carefirst Seniors and Community Services Association. This, again, is an ethno-specific organization that provides community support and home care services. Dr. John Chan is the president and works with his wife, Susie; Dr. Ambrose Fung is the past president; and Helen Leung is the executive director—incredible service provided to seniors who cannot speak the language but

who need the kind of community care support that is being provided by Carefirst. They deserve to be supported by our government, by this government, for the kind of care they are providing.

I also want to make reference—in fact, I'm attending tomorrow night one of the regular events hosted by the Richmond Hill Chinese Seniors Association. That is sponsored by an individual who has done much good work throughout the entire area. I want to pay tribute to that organization because they provide services, recreational opportunities and supports to seniors that are very important to them. Mr. Jackie Lee, who is president of that organization, deserves a great deal of credit for the untiring work he puts into that organization.

Finally, I want to recognize the good work of the Richmond Hill and Markham Chinese Business Association: president, Daisy Wai; first vice-president, David Ho; second vice-president, Benedict Leung; third vice-president, Stanley Yim; secretary, Peggy Tang; treasurer, Larry Chiu; and legal adviser, Sunny Ho. This is an organization that has done so much over the years to integrate the Chinese business community with the broader community to ensure there is co-operation, not only within the business community but among all the levels of government as well.

When we look at our communities—I speak specifically about York region, but the broader GTA and the broader business community in this province—the amount of investment, the amount of contribution that has been made by the Asian community to this province is insurmountable. If we were to extricate the contributions of the Asian community from this province, there would be a very noticeable void. So we welcome and we are thankful for the contributions of the Asian community, their contribution to the culture of this province, to the culture and strength of our local communities, and certainly to the strength and viability of our economic foundation here in this province.

This community deserves this recognition. I certainly wholeheartedly support it. As I indicated, I welcome the initiative by the member from Markham. I join with him. I have many opportunities to attend the same events as the member from Markham and to celebrate with the Asian community the many good works that are done.

In closing, I want in my remarks to thank this community for its generosity. Whether it's the Dragon Ball, whether it is one of the many local fundraising events that take place to support the various charitable organizations and the good works the community does, time and time again we see many of the same people who are giving, I know, sacrificially for that good cause. It comes out of that philosophy of care and respect, two principles that are so fundamental and so important and that are often forgotten. It's the Asian community that reminds us of it, not only in word but in deed. We are grateful for that and we look forward to all members of the House supporting this initiative today.

Mr. Gilles Bisson (Timmins–James Bay): I want to say that New Democrats will gladly support this motion. We think it's high time.

I'm going to come at this from a different perspective, because the history of Canada and how it has welcomed the Asian community, specifically the Chinese, to this country is not a proud one. We know that Canada at one time had a head tax that said that if you wanted to have your children or your wife emigrate here, after we went and got Chinese workers from China to work on building our national dream, the CPR, the only way you could get those children or wives here was to raise \$500, which was equal to about two years' wages at the time. We know the Chinese community has for some time been looking for the Canadian government to say, "I'm sorry, that was wrong, that was something that never should have happened; it is a blight on our history," and to have some form of apology and even some form of compensation. I look at this motion a little bit through that glass and say that this is maybe one way we in the province of Ontario can do the right thing.

Every country, not just Canada, has some dark moments in its history. Canada has far fewer than most. I think we can all agree that this is a great country we live in and we're awfully happy to be here, because compared to many other nations, Canada, even at its worst times, is probably one of the best countries to live in. I would argue, it is the best country to live in. I've travelled around the world. I've been to Asia, Africa, South America, Europe and other places, and there aren't many places that compare to Canada.

To the Chinese community, I say specifically, on behalf of New Democrats, we're sorry. That should never have happened in our history.

People came here and contributed greatly to the building of our national railway. Many of them died. It was very dangerous work. They were paid half the wage that white workers were paid at the time. They were given the most difficult and most dangerous jobs.

One of the stories I remember reading at one point around the whole issue of the building of the railway was that when the Chinese workers were brought over by boat to Canada, they couldn't figure out why so many Chinese workers were dying. They thought they had some sort of disease that they contracted in China before they came to Canada.

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You know what it was? They were malnourished. It was as simple as that. The food that we were providing by way of the contractors who worked for the CPR to the Chinese workers was less than what we gave white workers, and the Chinese workers were having to live on fish and dried rice. They just thought that was the right way to do things for those pesky Chinese workers.

I just think it's high time that the government of Canada take the lead of the province of Ontario and make such a motion as what we have here in the House today. We say specifically to the Chinese community, "We're sorry. That was the wrong thing to do. It was a bad time

in our history, and we're prepared to say that and to move forward."

As the motion says, this is about the entire Asian community. I want to say to the member, I agree with much of what you've said, because I'll tell you, one place in the world that is growing by leaps and bounds and is, quite frankly, probably going to outperform us economically in very short order, is the Asian part of the world.

I am astounded. I have travelled to Japan, to Hong Kong, China, Burma, Thailand, Malaysia, Vietnam and other places, and I'm just amazed at the resourcefulness of the people within those countries. Many times, within countries where governments are sometimes a hindrance to marketplace principles, such as China and Vietnam, the Chinese people and the Vietnamese people seem to say, "So what? The government's there. We're just going to keep on doing what we've got to do." They're building their own economy.

In fact, I've got to tell you this story because I think it's quite a fascinating one. My brother and I were just in Vietnam in January for three weeks, and we travelled from Ho Chi Minh City down to Saigon, Hue and a few other places. You've got to try the beach in Nha Trang—it's wonderful—but that's another story.

The interesting part was this: Here we are, I guess about—what?—30 years after the Vietnam War, and I found a couple of things rather remarkable about the Vietnamese people. We say in French "*la rancune*"—I don't know what the word is in English—there is no bitterness, no hard feelings, among the north and south Vietnamese toward each other 30 years after the war. I thought, wow, that doesn't make any sense. If that was Canada and we had fought that kind of war, we'd still be dragging baggage from 30 years ago, because we know we've been dragging baggage between the French and the English in this country for the past 300 years.

Interestingly, there is an understanding within the country that that was then and this is now; we need to move forward. I thought that was rather interesting. So I probed that a little bit more and had a chance to talk to people on the street. When you walk into restaurants or go into the markets and you find somebody who speaks either French or English—for example, I spoke to some former north Vietnamese soldiers and got their take on things. They were saying, "I wasn't a Communist. That's not the reason I fought. I was fighting for unification." Communism was sort of like the second thing behind, but now that Vietnam is one country, this is a great thing.

So then I talked to some southern Vietnamese, and one guy was particularly interesting. He was a lieutenant colonel in the southern army. This particular lieutenant colonel did five years in a work camp. So let's be clear here. This guy didn't have it easy: lieutenant colonel, south Vietnamese army, captured after the war by the north Vietnamese, forced to work in a labour camp for five years. I said to him, "How do you feel?" He said, "Well, the important thing is, we're one country."

I think that is the remarkable thing with the Asian people: They understand that you have to work together,

that there is nothing to be gained by working by way of division. Often, in North America and in Europe, we tend to divide each other into particular groups when we're trying to move a project or something ahead. The Asian people, it's my understanding—and I don't pretend to understand it in any great detail—have more of a sense of community about saying, "All right. That was then; this is now. Let's move forward. We've got to do what we've got to do." I think that is a remarkable strength of any people, because it means that you can move forward as a community at a much greater pace, and you can make things happen at a much greater depth, if you're able to do that by way of moving forward as a community.

The other thing that I thought was interesting in speaking to Vietnamese people was this whole sense of government. I'd never been in a Communist country. It was the first time I had ever travelled into one, so it was kind of an eye-opener. You'd talk to the Vietnamese and you'd start looking around and say, "Well, look at all these businesses." Everywhere you look, there's somebody doing something. A business is either somebody carrying vegetables on their back on—what do they call those sticks?

Interjection.

Mr. Bisson: Yes. Whatever it is. You know, where they carry stuff, or somebody has a restaurant on the sidewalk, or somebody is selling something, or somebody owns a building. There's all kinds of stuff going on. I started to wonder what was going on.

We had a chance as part of the delegation of APF because I was there partly on APF business and partly on my own. I used my own travel points. That way nobody can come back and say I'm travelling on the government's dime. But the point is this: When we met with the members of the Vietnamese National Assembly, who are for the most part Communist, I said, "How do you explain all this entrepreneurship within your economy?" They said, "Well, 60% of the economy is run privately." I said, "Why is that?" He said, "Because the people wouldn't listen to us anyway." I thought, "Isn't that an interesting comment from a government member?" I said, "What do you guys do?" He said, "We let them do it. We have a minimal form of tax for private businesses." I think it's a sliding scale of 3% to 5%. But 60% of the economy is run by private individuals. It could be a small business, such as somebody carrying fruits and vegetables on their back, or somebody owning a number of buildings and having employees and selling products across the world. I thought, "Well, isn't that interesting?" I think it speaks to the heart and soul of Asian people. They're entrepreneurs in their own right, even though they have this sense of community.

I think that's the schism that we don't get in North America. We tend to think, if you live in a community, it means you've got to be a social democrat or a socialist, and if you work in business, then you've got to be a capitalist. There's no being both. In Asia, that schism doesn't even seem to exist, in my view. People are saying, "We don't care. We're Communist, capitalist, what-

ever. I've got to do what I've got to do, and we're going to do it together as a community."

So what you saw there was a very dynamic economy that's on the move. Everywhere you went, if it was in Hanoi, Saigon, Hue, Halong or wherever you might be, there was more construction going on than you could shake a stick at. Then you go to a place like Japan—and I've had the opportunity to go to Japan before—and I don't need to explain Japan; I think most people get it. Japan is like a powerhouse. You say to yourself, "Why is that?" I think it's because of the psyche of the Asian people. They come at things from a different perspective. They come at things from a sense of community and a sense of understanding that when we bring people along with us, it makes it a better thing. At the end, we get a much better product.

I've been to Hong Kong—again, the same thing. Man, that is one heck of a city to visit. To see and watch the wealth in that area is just unbelievable.

Recently I was talking to a professor who teaches at a city in China—and I forget which one it is. It's one of the new emerging cities. They're sort of economic free zones. The guy was saying that something like 10 years ago, the town had 20,000 people in it. It's now about four million. Why? Because Chinese people are flocking to it because it's an opportunity for them to participate in the economy. Chinese people are very resourceful and want to participate in the economy. Even though the government tries to keep them out, they just come in and do it. Here's this city—and I forget the name of it—it's like four million or five million people, and he says, "You've got to see this place. There are booming things happening."

I regress here, and I'm going to say this: Do we remember a guy by the name of Richard Nixon? Some years ago, Richard Nixon, a former President of the United States, opened up trade with China, which was a good thing. But the interesting thing is, the Americans, as we know, are quite protectionist, right? The Americans like to speak the line, "Let's open up the economy," but what they're getting at is, "But don't open it up against me." But anyway, I find it interesting that here was Richard Nixon, who went to China in the early 1970s, met with Chairman Mao, opened trade and a relationship with the Chinese and said, "We're open for business." Well, I'm telling you, be careful what you ask for, because you might get it. What's happening in China, even though there's a Communist government in place, is that you've got one heck of an economy. You've got how many consumers? Over a billion. What's the actual number now?

Interjection: It's 1.5 billion.

Mr. Bisson: Yes, 1.5 billion people just in that one country. You've got all those consumers, all those workers and all those entrepreneurs. The rest of Asia is the same. You've got some really great, dynamic people, who, given the opportunity, are really going to do a bang-up job of developing their economies. I predict that within our lifetime we're going to see—we're already

starting to see it—that part of the world become the pre-dominant part of the world when it comes to economic forces.

The United States, I think, is on the way down. The States have really isolated themselves, and I think it's a grave, grave mistake. That's my biggest problem with George Bush. It's bad enough that he has gone to war, but he's isolating the United States from the rest of the world, in my view, and I think that's really wrong. North America should be looking at how we are able to include people. We've always been the land of immigrants anyway. How can we include other parts of the world in our ideas about foreign policy and trade so that we're able to all benefit together? But I just say that that part of the world, the Pacific Rim, is a powerhouse that's going to outstrip us. In fact, we're already starting to see in Canada many state-run Chinese companies looking at places in the resource sector to spend all this money they've got. They wanted to buy out Stelco. They're interested in buying out Falconbridge. They've got the bucks to do it. I'm just saying that I think that's a reflection of the attitude and the hard work of the Chinese people, and of Asian people generally.

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I say to the member, this is a good motion and we'll certainly support it. There are many things I think your government could be doing to deal with some of the issues that the community and other communities face in Ontario vis-à-vis new immigrants, new people to this country.

As I said at the beginning—I want to close on this note—it is an opportunity after all these years to redress one of the great wrongs that was done to the Chinese and Japanese people during the Second World War. We have not exactly had a stellar record when it comes to how this country has viewed people from Asia. We saw what happened to the Chinese as we brought them here to work on the railway. We put a head tax on them. We killed them by the hundreds and almost the thousands when it came to the work camps of the railway. It was a very tough life.

We embraced the Japanese when they came because we wanted their labour, but in the Second World War we interned them. We didn't intern the Germans or the Italians, who were at war against us during the Second World War, but for some reason we decided we were going to intern the Japanese. Why? Because they looked different than us, and that challenged people. The Canadian government, if I remember correctly, has apologized to the Japanese people, and I think that is fitting, but we need to remember our history to make sure we don't repeat the stupidity this country has done in the past by doing the kinds of things we did to the Asian community vis-à-vis different actions that the federal government, by and large, has taken.

Provinces aren't exactly lily white in the way they treated people. We just need to look at the history of British Columbia, and even Ontario to some degree, to see that. But that was in the past. Canada has grown. The

provinces have grown. We've become a much more inclusive society. I think it's a great country we live in, and it's great, why? Because it is a country that says, "Come to Canada. Don't be like the United States and become a big melting pot. Come to Canada, be part of our country and keep your identity." In the end, that identity is what makes Canada so great. When you go from one end of the country to the other, you can walk down the street and you're able to see different communities from across the world living here in Canada in a way that you can hardly see anywhere else in the world. I have travelled around the world and I've never seen a place as unique as Canada when it comes to how people come together to live.

Are there problems that still challenge some of us as Canadians? Of course, but, by and large, most Canadians have embraced it, and I think Canada is much better for it.

Mr. Peter Fonseca (Mississauga East): It gives me great pleasure to speak today to Bill 113, An Act to proclaim the month of May as Asian Heritage Month, and to support my friend the member for Markham. I'm going to be sharing my time with the members from London—Fanshawe, Stormont—Dundas—Charlottenburgh, Thornhill and Davenport.

In my riding of Mississauga East, we have a very ethnically diverse community, and much of that community is made up of Asians or people of Asian ancestry. Some of the countries they may have descended from would be China, the Philippines, Korea, Thailand, India and Sri Lanka. I've had the opportunity to visit many of these countries. They have a wonderful culture and they've brought so much to our great city of Mississauga, our great province of Ontario and our great country of Canada.

I can go on and on about how much the Asian community has done for our community in terms of the homes they have bought, how they have beautified the area and opened up businesses. An example is the huge commercial and tourist centre that is located in my riding at the intersection of Dundas and Cawthra. The Mississauga Chinese Centre is one of North America's most remarkable tourist and architectural locations. If you visit there, and if those who are watching today decide to visit, it's located at 888 Dundas Street East in Mississauga East. You can see great sculptures there, replicas of the Great Wall and many of the other treasures we find throughout Asia.

The Asian community has been one that has integrated so well with all the other communities. I can say that the Yee Hong Centre, which is a long-term-care home within Mississauga, was built primarily by the Chinese community, as they have fundraised so well in the community through the Phoenix Ball. They have allowed other communities also to be part of that home. I know that my community, the Portuguese Canadian community, has a wing in that home, where they cater to them with the types of foods that they would like to eat and the culture, and make sure that they are integrated within the community.

They are also a community that's well aware of what it means to be a strong community. They know that their investments in the University of Toronto, Mississauga, will mean a more knowledgeable and skilled workforce for the city. As I mentioned, at the Yee Hong Centre for long-term care for our seniors, they know that third stage of life, that end of life. They want to make sure that our seniors live with dignity and respect.

They are a community that keeps on giving. Many of their initiatives are around prevention. They put together the Healthy Living Expo every year in Mississauga. They also have the Crime Awareness Expo every year in Mississauga. They do many things to make sure we have a strong community, build a strong community. I could go on and on, but I will allow my colleagues to speak a little bit about the Asian influence in their communities.

Ms. Laurie Scott (Haliburton–Victoria–Brock): I would like to thank the honourable member from Markham for bringing forward his bill today, An Act to proclaim the month of May as Asian Heritage Month.

The members of the Legislature are often asked to recognize the role that various cultural and ethnic groups play in the economic, cultural and political life of Ontario. We do this by setting aside days and months in which we can celebrate and showcase their accomplishments and successes. We have passed laws here in Ontario recognizing Portuguese History and Heritage Month; Irish Heritage Day, brought in by my colleague, the member from Durham; Tartan Day; United Empire Loyalists' Day; and German Pioneers Day.

I know they're just leaving, but I want to welcome the children up in the gallery who have come to see and visit us here today. I think they're quite representative of the diverse cultural backgrounds that Ontario shares and benefits from. So welcome, all the children in the gallery.

Members have also brought forward bills to recognize such occasions as Italian Heritage Day and Nikkei Heritage Day. Recently we considered Bill 150, the Celebration of Hellenic Heritage Act. Mr. Wong's bill builds upon the work done by the former MPP from Bramalea–Gore–Malton–Springdale, Raminder Gill. I did not have a chance to sit with Mr. Gill or to meet with him, but my colleagues who did told me he was a great representative and that he cared a lot about his constituents.

On June 28, 2001, Mr. Gill brought forward Bill 98. The bill would eventually pass and become the South Asian Heritage Act, 2001. Since December 14, 2001, we in Ontario have celebrated South Asian Heritage Month each day, and May 5 is recognized as South Asian Arrival Day. Raminder Gill should be proud of the work that he did in shepherding the bill through and having it become a law.

I think we should send this bill to committee for consideration. In principle, I believe it is appropriate to cast the net wider and to extend this recognition to people from all parts of Asia. We would still recognize those from south Asia, but we would add those from east Asia, central Asia and southeastern Asia.

I'm glad that Mr. Wong is not attempting to repeal the South Asian Heritage Act, and that we will continue to be able to recognize South Asian Arrival Day. Our country was built on immigrants, each of whom has come to our province and our country with their own story to tell. Immigrants have settled in communities both large and small across Ontario, enriching our lives.

There was a little-known—and we're trying to get it more known—Icelandic settlement that was in my own hometown of Kinmount. It was the first Icelandic settlement in North America. As Mr. Bisson has mentioned, certainly when they first came over, there were a lot of conditions that we wouldn't allow today, and they were hungry. I know my great-great-uncle went to pick them up by horse and wagon in the village of Coboconk, which was as far as the train went at that time. They were brought in to help complete the old IB&O, which only really got into Haliburton and then it finished. They stayed for a short time there.

Mr. Bisson: They'd still like to have the tracks.

Ms. Scott: Yes. The tracks are up, and I'd like the tracks back.

They came and stayed for a short time and then we finally persuaded the federal government to move them to Gimli, Manitoba. I know that Senator Johnson in the Senate in Ottawa is a descendant of one of the families in Gimli, Manitoba. Linda Lundstrom—if I can mention fashion—is descended from one of the Icelandic settlers there.

So we have a blessed diversity in Ontario. It's an economic strength when our businesses are able to talk directly to the customers and providers from every corner of the world. Celebrating this diversity reminds people of how everyone contributes to the strength and prosperity of Ontario. I am pleased to support the member from Markham's bill today.

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Mr. Khalil Ramal (London–Fanshawe): I want to commend my colleague from Markham for bringing in Bill 113, An Act to proclaim the month of May as Asian Heritage Month.

As is well known, Canada is a country of immigrants. People from different parts of the globe come to this country to enjoy freedom and democracy. Three days ago, I celebrated 15 years of being in Canada. I immigrated on February 14, 1989. It's almost 15 years that I've been in this wonderful country and this wonderful province.

Many colleagues from different sides of the House have spoken on this matter, and all of them in support. I believe it's very important to recognize the efforts of certain groups that came a long time ago and worked hard to build this province and build this country. The Asian community immigrated a long time ago, and worked hard to become a part of this country, and especially in Ontario to build and construct this beautiful province. This bill, I believe, will give them some recognition. As we know as a government, we shouldn't take

anyone for granted. Recognition by proclaiming the month of May as a heritage month for Asians is very important, a little payback for the people who worked hard and gave their lives to support this nation. The member from Markham spoke well in terms of why we have to proclaim that month.

Many people, when they talk about the Asian community, remember only the food. They have wonderful restaurants and wonderful food. Besides that, they contribute a lot to the economy by building buildings, constructing many different businesses and financial institutions, medical, journalists: In many ways, they participate in our lives. They worked hard to be a part of the mosaic of our society, to build our diversity and this nation. As we know, the diversity has strengthened our society. It's well received and it's a part of our logo, all of us, as we celebrate on a yearly basis.

On behalf of London-Fanshawe and my community of London, I am going to support this bill because it's very important to send a great signal to the Asian community as recognition for their effort and their work. We welcome them and all the people to come to this province.

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join the debate with respect to An Act to proclaim the month of May as Asian Heritage Month. As Ms. Scott has indicated, the South Asian Heritage Act, 2001—it was a bill from Raminder Gill—received royal assent on December 14, 2001. It deals with south Asian heritage.

This bill is a little different, I guess, in content, in terms of geography. It deals specifically with areas such as east Asia, south Asia, central Asia and southeastern Asia. Certainly the member from Markham is showing his respect to the community he is from in bringing this forth. In my riding, which is Barrie-Simcoe-Bradford, there have been some outstanding individuals who have contributed to the community. I know of the Chau family—Joe Chau—Roy Lam and his family and the people who operate the Izumi Japanese restaurant in our community. They have played a fundamental role not only in making our community better but also in making sure they contribute to its commerce. I know that last Saturday—unfortunately, I was previously engaged—there was the Vietnamese celebration of the new year in my riding. Certainly that shows they are growing stronger and more present with respect to celebrating their cultural heritage within Barrie-Simcoe-Bradford.

Certainly the recognition of the diversity of this country is something we've seen. I remember that when I was practising law in Toronto in the late 1980s with the law firm WeirFoulds, my secretary at the time had come over from Hong Kong. She had emigrated with her family. There was a lot of emigration from Hong Kong at that time because of the scare about what was going to happen with respect to mainland China. A number of individuals came over here and joined the community,

sank their roots into the community. That was just an indication of the types of reasons why people do come over. I think the member for Timmins-James Bay spoke about the building of the railway and the labour that was needed to do that. There are all kinds of reasons for people to have come to this country and contribute to the betterment of the community.

Certainly the member from Markham is showing his respect and appreciation. Asian Heritage Month, which will be celebrated in May—this is a private member's bill, and I would expect this to be supported within the House. We'll see whether his government shows the same kind of respect that he's shown to the people who are covered by Asian Heritage Month, and whether this becomes law at all.

Mr. Mario G. Racco (Thornhill): I will be supporting Bill 113, the Asian Heritage Act. I want to thank my colleague from Markham, Tony Wong, for bringing the bill to the House to make sure that the Asian community will continue to celebrate the month of May as Asian Heritage Month, but in a formal way. The Asian community has already celebrated May for many years. In fact, I and my wife, who is Chinese and who was born and grew up in Hong Kong, have been able to participate in such festivities for a number of years. Also, as my colleague Tony Wong has said, the Senate of Canada has already declared the month of May as Asian Heritage Month. Of course, Bill 113 will allow the province of Ontario to officially declare Asian Heritage Month.

I also want to say thank you to so many members of the Asian community who have been asking that the province of Ontario do such a thing; specifically, the Canadian Multicultural Council, Asians in Ontario, specifically Jose Saavedra from the Philippine Independence Day Council, and Dr. Ming-Tat Cheung, from the CMCAO and president of the Chinese Cultural Centre. They represent a number of Asian communities that are strongly in favour of Bill 113; specifically, the Japanese Canadian Cultural Centre, the Indo-Canadian Association, Bangladeshi-Canadian Community Services, the Lion City Club of Singapore, Yin Hua Association, the Canada Sri Lanka Association of Ontario, the Macao Club of Toronto, the Korean Canadian Cultural Centre, the Overseas Renaissance Association of Chinese Culture, and the Vietnamese Association, Toronto. Those are only a few of the Asian organizations that are asking this House to declare May as Asian Heritage Month.

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Approximately 12% of my constituents are Asian. Of course, that's a reflection of Ontario. As my colleague the honourable Tony Wong from Markham has said, today 12% in Ontario, or 1.5 million people, have Asian heritage. Of course, it's an opportunity for all of us to celebrate our diversity and to celebrate that we have the best. That is our culture. I thank all the members, because I know the House will fully support Bill 113.

Mr. Tony Ruprecht (Davenport): Congratulations to Tony Wong for introducing Asian Heritage Month. I know, as he said earlier, that this is not simply a symbolic gesture. Canadians of Asian background helped us to enshrine multiculturalism in our Constitution. Even today, what is it that multicultural Canadians and mainline Canadians are looking for in the Constitution? This is how multiculturalism breaks down into two pillars, basically. They're looking for, one, equality before the law and opportunity in our schools. So the law must certainly be colour blind; it cannot be prejudiced. Our children must have the right to go to any school, which must be open to them as Canadians. The second pillar of multiculturalism is to maintain one's culture and one's tradition. That can be done through language and through some cultural institutions.

Asian Canadians have much to be proud about, but even today we know that multiculturalism has also a third component, and that is that multiculturalism means business. I know all of us who've been to other countries can see that Canadians of Asian backgrounds mainly come from China, Pakistan, India, Vietnam, Korea or Japan. These are the major multicultural populations in Canada. We know. We see them on airplanes. We see them doing business with their country of origin. How wonderful it is for us to see that, because it means more taxes, it means greater participation, and it means they feel they are true Canadians.

So, my friends, it is very clear, when we're looking at the third pillar of Canadians, we know that their contribution is itemized in this book called Toronto's Many Faces. Each one of these groups is very clearly received in this book because it shows, quite openly, their contribution to this country. Yes, I will sign this book for you, if you want a copy of it, because you should know the contributions of each one of these groups, who are truly Canadians. Proud Canadians they are, but they must also have the right to be proud of their own culture.

Thank you, Mr. Speaker, and thank you to Mr. Wong for producing this great heritage month.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): It is indeed an honour for me to stand in support of my colleague from Markham in recognizing Bill 113, a bill to proclaim May as Asian Heritage Month. As well, it's an honour for me today to recognize some visitors in the members' gallery. These are students from the University of Toronto who work with Cathay Magazine, their editor-in-chief being Huan Wang, and her editorial board here from the university. It was just before Christmas that I met them and was able to share my old European heritage with their new Asian heritage. That was an exciting time.

I had arranged that they would visit this afternoon, but when I heard that the honourable member my friend from Markham was presenting the second reading debate, I hurriedly got on my BlackBerry and sent a message to the editor-in-chief and said, "Come on over this morning.

You will see the House in action. You will see second reading of this bill that recognizes, supports and encourages the sharing of the heritage and the multiculturalism of this great province, and the sharing of my old United Empire Loyalist heritage with the heritage that all these new immigrants have brought into our province." That's exciting.

What's especially exciting too is that this bill recognizes May as the month. May is a month when our children are still in school. It's an opportunity to work this multiculturalism and the heritage of the countries that make up Asia into the curriculum. As a retired educator, I spent many years teaching the history and the heritage of these Asian countries and talking about the inequities too.

The member from Timmins-James Bay talked about the inequities and the challenges of the past. This is what we have to understand. With this bill and the proclamation of a special day to recognize the heritage of Asians—this is a great bill.

I welcome these students from the University of Toronto.

The Deputy Speaker: Mr. Wong, you have two minutes to reply.

Mr. Wong: I want to thank all the members who have spoken, and I do appreciate their support. The member from Oak Ridges spoke about Mon Sheong, Carefirst, and dragon boat, and I thank him for that.

I also want to talk about the Vedic centre for the South Asian community in my riding and the great work that they've done. I was recently at that centre attending a tsunami memorial.

I also want to talk about Mr. Tae-Yŏn Hwang, a medical doctor who arrived in Ontario in 1948, as an example of a Korean immigrant who arrived prior to the mass migration of the 1960s. He worked as a medical intern for several years before settling in Blind River, Ontario. In the early 1960s, he bought eight acres of land and established a poultry ranch for the purpose of financially assisting the migration of several individuals from Korea to Canada.

By the onset of the Second World War, many Japanese Canadians owned farms, boats, and other property, all of which were confiscated by the government during the war.

I cannot but feel a bit emotional when I repeat that one Chinese worker died for every mile of the CPR track, yet that community was still hit with the infamous head tax and the notorious Chinese Immigration Act.

In conclusion, I want to share with all of you a Chinese proverb: "Do unto the seniors of others as you would to your own. Do unto the children of others as you would to your own." I submit that that is Canadianism.

The Deputy Speaker: Thank you to all the members this morning. The time allowed for private members' public business has expired.

INCOME TAX AMENDMENT ACT
(PUBLIC TRANSIT EXPENSE
TAX CREDIT), 2005

LOI DE 2005 MODIFIANT LA LOI
DE L'IMPÔT SUR LE REVENU
(CRÉDIT D'IMPÔT POUR DÉPENSES
DE TRANSPORTS EN COMMUN)

The Deputy Speaker (Mr. Bruce Crozier): We'll deal first with ballot item number 49, standing in the name of Mr. O'Toole.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Interjections.

The Deputy Speaker: If we're going to do something, let's get our minds wrapped around it. It's carried.

Pursuant to standing order 96, the bill is referred to—

Mr. John O'Toole (Durham): With your indulgence—I thank the members first—I'd refer Bill 137 to the standing committee on finance and economic affairs.

The Deputy Speaker: Mr. O'Toole has asked that—

Mr. O'Toole: The committee on estimates.

The Deputy Speaker: We're really having trouble making our minds up here this morning.

Mr. O'Toole has asked that the bill be referred to the standing committee on estimates.

Agreed? Agreed.

ASIAN HERITAGE ACT, 2005

LOI DE 2005

SUR LE PATRIMOINE ASIATIQUE

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item number 50, standing in the name of Mr. Wong.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96—

Mr. Tony C. Wong (Markham): I would ask that the bill be referred to the social policy committee.

The Deputy Speaker: Mr. Wong has asked that it be referred to the standing committee on social policy.

Agreed? Agreed.

We've dealt with all the business relative to private members. This House is adjourned until 1:30 of the clock.

The House recessed from 1200 to 1330.

MEMBERS' STATEMENTS

ANGUS THE ELEPHANT

Mr. John O'Toole (Durham): I'm pleased to rise in the House today to pay tribute to my biggest constituent. I might also say he was my biggest supporter. Angus the elephant weighs in at seven tonnes and stands 11 feet tall.

For close to 20 years, he has been a resident of Bowmanville Zoological Park. He is famous for scores of appearances in movies and ads, not to mention hundreds of visits to downtown Bowmanville and many other communities for parades, fairs and special events.

For most of his 26 years, Angus has brought a glimpse of the African savannah to Ontario. He has been in the Globe and Mail headlines recently because he is going home. Angus was just two years old when he was captured in South Africa and taken to a zoo in Texas. He was acquired by the Quebec City zoo before being adopted by the Bowmanville zoo in 1986.

The Bowmanville zoo has announced plans to return Angus to Kwandwe, a 20,000-hectare privately owned game preserve in South Africa. It is expected he will be reintroduced into the natural habitat of elephants after making a few more movie appearances.

I'd like to commend my constituents, zoo director Michael Hackenberger, and Dr. Wendy Korver, the veterinarian, along with the entire team at the Bowmanville zoo for the care they have lavished on Angus over the past years. We're sorry that Angus is leaving town, but we wish him well.

Elephants are known for their great memories. As the old saying goes, they never forget. I'm certain he will not forget me.

YOUTH SCIENCE MONTH

Mrs. Donna H. Cansfield (Etobicoke Centre): Cell mutation, robotics, water pollution, air quality, aeronautics, biochemistry, physics: What do they all have in common? It's March and it's Youth Science Month. As we speak, 250,000 students from across Ontario are planning to compete in local and regional science fairs. They're hoping to be among the top young scientists who will earn a spot on the provincial science team and take part in the Canada-wide science fair to be held in Vancouver in May.

I'm proud to say that our government supports these young people through the Ontario Trillium Foundation grant to the provincial organization called Sci-Tech Ontario. This funding supports the Stepping Stone Award, which covers the cost for each regional fair to send an additional student to the national fair. This helps to ensure that all deserving students, regardless of economic means, have an opportunity to showcase their talent and their full potential.

I would like to encourage all members to visit their local and regional fairs. It's a wonderful opportunity to know what the students in your schools are doing, because the students today are your doctors, your scientists, your technologists and your politicians of tomorrow. It's our responsibility to go out there and support them in these regional fairs. If we don't support them, not only through our money but through our presence, they won't know that they indeed are our future.

HIGHWAY 7

Mr. Norman W. Sterling (Lanark–Carleton): I rise to remind all members of this House that the residents of the riding of Lanark–Carleton, which I represent, have been waiting a long, long time to have Highway 7 between Carleton Place and Highway 417 widened to four lanes. Another tragedy occurred on January 24, when a 33-year-old man from Orléans of Ottawa was killed after being hit in a head-on crash. Only three days later, the highway was closed again because of another serious accident, although mercifully no one was killed.

The McGuinty government is led by an Ottawa native. Dalton knows the importance of four-laning this particular piece of highway. Next week, most members of the House will attend the Good Roads conference here in Toronto. I understand that the town of Carleton Place and Lanark county will be meeting with the Minister of Transportation. I call on the minister to tell them exactly when construction will begin on this most important piece of highway.

LOCAL HEALTH
INTEGRATION NETWORKS

Mr. Peter Kormos (Niagara Centre): With a stroke of the pen and an arrogant shrug of the shoulders, the McGuinty Liberals have demolished district health councils—historic, long-serving, skilled district health councils—off the face of Ontario's map. In their stead, we see these mega-jurisdictions that will facilitate only the de-democratization of health supervision and health care delivery, the centralization of it and the undermining of local control and input, and nowhere more dangerously, dishonestly and deceptively so than in the regional municipality of Niagara, which this government has thrown into a mega-LHIN—local health integration network—with Burlington, Stoney Creek, Hamilton and places as far away as Norfolk and the county of Brant and Brantford.

This government does a huge disservice and it creates huge new health dangers for the people of Niagara region by doing this. The government members from Niagara region now have the opportunity, and the duty, to stand with the two opposition members from Niagara to fight this government tooth and nail in their imposition of a totally artificial and unrealistic boundary and this government's ongoing denial of the perpetual underservicing of Niagara, to the detriment and ill health of Niagarans.

CONSERVATIVE HEALTH
CARE POLICY

Mr. Mike Colle (Eglinton–Lawrence): I'd like to say a few words about John Tory's health care agenda. When questioned about his health care plan by the Guelph Mercury, they concluded that Tory is "short on concrete alternatives." When reminded of the health care mess left

by Mike Harris and Ernie Eves, his answer was, "I wasn't part of the decision making in the past."

It's not that easy. Tory wants to forget that "health care suffered the steepest decline on his party's watch." Tory does have a plan in mind, as bizarre as it is. This is what he told the Guelph Mercury. Listen to this: "Using the 407 toll highway as a model"—can you believe that?—"he would involve the private sector in all government projects, from health care to subway construction."

Yes, the 407, the worst model in the private sector for health care. The Conservatives said tolls on 407 would increase by 2%. Do you know what the tolls have increased by? Two hundred and thirty per cent.. Then the Conservatives sold the 407 for \$3 billion. Do you know what it's worth right now? It's worth \$12 billion.

Mr. Tory wants to adopt the 407's pay-as-you-go-style health care in Ontario. Do you know what you'll need? You'll need a transponder to get into the hospital. You'll need a transponder to go see a doctor. Yes, John Tory wants 407-style health care for this province. Can you believe that? The 407 as a model for health care? Even the member for Niagara Centre can't believe that.

STUDENT'S COMMENTS

Mr. Frank Klees (Oak Ridges): I trust that you were as shocked as I was to read this morning that Jeremy Patfield and his classmates were ejected from Rideau Hall in Ottawa because Jeremy was overheard to ask what was in fact a very astute question: "Is that the lady who spends the money on the Queen when she comes?" He was of course referring to the Governor General, who is renowned for her extravagant spending habits.

Rather than being commended for his astuteness, his visit to the Governor General's residence was abruptly terminated. What message does that send to our young people? We all, at one time or another, have expressed concern at the lack of interest in the political process on the part of youth. Here we see a spark of interest, only to have it snuffed out by the overzealous staff of the Governor General.

What will the penalty be for any of the grade 5 students who tour here if they are overheard to ask, after seeing the Premier, "Is that the man who broke all those promises?" Will they be thrown out as well?

As a legislator, I want to publicly commend Jeremy Patfield for his knowledge of current events and for expressing his interest, and I want to call on the Governor General to extend a personal apology to Jeremy and to his classmates for the unconscionable treatment they experienced while they were guests in her official residence.

1340

FEDERAL-PROVINCIAL
FISCAL POLICIES

Mr. John Wilkinson (Perth–Middlesex): Fair is fair. Our Premier is spearheading a movement in Ontario to

narrow the \$23-billion gap between what Ontario gives to the federal government versus what we get back. We're willing to stand up for what is fair. I rise today to ask the question that's on everybody's mind: Is the official opposition against Ontario getting its fair share of money from the federal government?

Yesterday, during question period, the acting Leader of the Opposition suggested that the Premier call for a meeting of the Council of the Federation, but his call comes after the meeting had already happened. They're out of tune and out of touch on this file. The reality is that under the eight years of Conservative rule in Ontario, the fiscal imbalance between Ontario and the federal government grew.

This is a serious issue, and one that matters to every single Ontarian. I'm sick of the Tory talk. We need action now. I challenge all members of this House to rise in support of Premier McGuinty's resolution later today. I challenge them to follow our lead. The issue is simple: Ontario pays \$23 billion more than we get back. That's not fair, it's not good business, and we are willing to stand up for what is fair.

I'm proud to be a Canadian. I believe Canada needs a strong Ontario so that they continue to grow and prosper. I ask all members of this House to get on board now. Stand with us as we fight for Ontarians, as we fight for what is fair. Vote in favour of the Premier's motion and show your support for every single Ontarian we are proud to represent. Fair is fair.

CITY OF TORONTO

Ms. Kathleen O. Wynne (Don Valley West): I stand as a proud representative of a Toronto riding and as a Toronto citizen. After the previous government cut funding to cities across the province, Toronto was hit hard, and we can see the effects of those cuts today. The McGuinty government is working to fix the mess that was left behind by the previous government, in Toronto and around the province but particularly in Toronto.

A healthy and vibrant Toronto is necessary for a healthy and vibrant Ontario. That's why we are investing \$91 million in Toronto this year as their share of the provincial gas tax. That is new and growing money. We've also invested \$90 million for budget assistance; \$1.05 billion over five years in joint provincial-federal-city funding for the TTC; \$1 billion over seven years in GO Transit capital projects; and \$3 million in the Toronto District School Board to make facilities more accessible and affordable to not-for-profit groups. That money is making a difference across the city.

We are committed to forging a stronger, more productive relationship with Toronto. That's why we are continuing to work toward a new City of Toronto Act. That's what that discussion is about, and it is a good, solid debate we are having with the city.

If the members opposite want fairness for Toronto, they should prove it today by voting in favour of the Premier's resolution. Ontario needs to be treated fairly by

the federal government. Toronto is a vibrant part of Ontario, and we are looking for fairness.

BLACK HISTORY MONTH

Mrs. Linda Jeffrey (Brampton Centre): Mr. Speaker, as you know, the month of February marks Black History Month. The black community plays a vital role within the social and cultural mosaic of both my riding of Brampton Centre and the province of Ontario.

For more than 20 years, the staff and volunteers of the United Achievers Club of Brampton have demonstrated an extraordinary commitment to providing cultural programs, assistance for seniors, women's support programs, mentorship initiatives, education and training. As well, every year, the United Achievers Club raises money that they give in the form of scholarships to students of African and Caribbean descent.

Today I would also like to recognize the achievements of Mr. Leonard Braithwaite. Born on October 23, 1923, Mr. Braithwaite was the first African Canadian to be elected to a provincial Legislature in Canada. As an MPP, Mr. Braithwaite was the opposition party critic for both the Departments of Labour and Welfare.

In his first speech to the Ontario Legislature in 1964, Mr. Braithwaite spoke out against some Ontario schools that were still practising segregation. His criticism led to the Ontario government's prohibiting segregated schools in Ontario. As well, Mr. Braithwaite was an advocate for gender equality. For example, in 1966 he pushed for the addition of female pages in this House, at a time when females were not allowed to be pages. Two years after he began to lobby on this issue, the first female pages started working at Queen's Park.

This month, I encourage all Ontarians to learn about the significant role that African Canadians have played in the history of our province. Both the United Achievers Club and Leonard Braithwaite are examples of these contributions. Mr. Braithwaite is in our Speaker's gallery today, if we could welcome him.

The Speaker (Hon. Alvin Curling): Let me further extend a welcome to Leonard Braithwaite, who has set the path for many of us. He was the representative of the riding of Etobicoke in the 27th, 28th and 29th Parliaments. So I too, as all of us, would like to welcome you to the House today, Mr. Braithwaite.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Alvin Curling): Is there unanimous consent for the House leader to put forward that motion? Agreed.

Hon. Mr. Duncan: I move that, pursuant to standing order 96(g), notice be waived for ballot item 51.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

The member from Markham.

Mr. Tony C. Wong (Markham): Speaker, I seek unanimous consent to move second and third readings of Bill 113, Asian Heritage Act, 2005.

The Speaker: Is it the pleasure of the House that the motion carry? No.

STATEMENTS BY THE MINISTRY AND RESPONSES

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: The Minister of Education is scheduled to give a speech today and the printed text is not ready yet in translation. The English is available and I believe it's been shared with the members. We will have the French translation momentarily. I apologize to the House for that mishap. Would the opposition consent to allow the statement to go forward?

The Speaker (Hon. Alvin Curling): Do we have consent? Agreed.

SCHOOL FACILITIES INSTALLATIONS SCOLAIRES

Hon. Gerard Kennedy (Minister of Education): I rise to speak to the House today about a new government effort to ensure that every Ontario student has a good place to learn: a school that is clean, safe, in good repair and, most importantly, able to deliver the programs that every student needs to succeed. The Good Places to Learn report, which is being distributed now for the first time, is an overhaul of our capital funding formula. It sets the direction for changes to operation funding and provides for completely new school closing guidelines and capital planning by school boards.

At the most basic, unfortunately, too many of our schools have been neglected for far too long. Over the past 10 years, a record number of schools have been closed and there has been a huge backlog of repair projects waiting in the system. This has taken a toll on our education community and on our students.

Malheureusement, un trop grand nombre de nos écoles ont été pendant trop longtemps négligées. Au cours des 10 dernières années, un nombre record d'écoles ont été fermées, et il existe un arriéré considérable de projets de réparation majeurs qui sont bloqués dans le système.

For too long, inadequate facilities and funding have driven student programs. It is critical that we now let the programs that students need drive our facility investment. Boards will be funded to support lowered class sizes,

room for 16- and 17-year-olds who don't drop out, early childhood learning and care spaces, and space for community organizations.

1350

Today I'm very pleased to share with my honourable colleagues the details of that plan, a plan to ensure that every student is able to learn in a school that is in good repair and well funded. Earlier today, the Premier announced the establishment of \$280 million annually to pay for a \$4-billion amortization fund available to school boards across the province to support school repairs, additions and replacements.

The Premier and I spoke to students this morning at Vaughan Road Academy, who told us how they shivered in some of their classes because of an inadequate heating system. Several weeks ago at the same school, a caretaker was hit with a 10-pound piece of concrete, potentially because of damage from the roof not having been repaired.

Ontario's school buildings are getting in the way of the excellence in learning we need to take place within them. This Good Places to Learn initiative will give students a better chance at success because, in order for our students to succeed, the whole learning environment has to be right. Our students deserve the best because they are our greatest strength going forward.

L'initiative Lieux propices à l'apprentissage permettra aux élèves de mieux réussir, car pour assurer leur succès, c'est tout le milieu d'apprentissage qui doit être à la hauteur, et nos élèves méritent des conditions optimales, car ils sont notre plus grand atout.

This \$280-million annual investment will translate into \$4 billion worth of major repairs, expansions or replacement schools. That means that more schools will get as many repairs in the next 18 months as they have in the last seven years. Some 1.6 million students across the province will benefit in schools that need major repairs.

We are scrapping parts of the previous government's flawed funding formula, which forced school boards to close a school in order to build a new one. In its place, we will ensure that all boards have access to the capital resources they need, and we will also stop paying a premium in repairs for neglected buildings and grounds.

I'm pleased to report that by overhauling the mechanics of the formula devised by the last government, we were able to find significant savings to help ensure that all students can benefit from their learning environments. Under the previous government's formula, \$109 million a year were being sent to school boards for buildings that were not underway, and \$26 million more were spent than were needed for financing the same schools. We are working with school boards and outside experts to establish financing and purchasing arrangements that will maximize the benefits to our students.

The funds are being made available early to school boards to allow repairs to begin this summer, before the school year even starts. All boards will receive their fair share of the high and urgent needs, as assessed by inspectors who went to every school in the province.

Boards will be asked to file five-year capital plans, and these plans will serve as a comprehensive and sustainable forecast of our schools' and communities' needs. The first of these plans will be due in October 2005.

As part of the capital planning process, a school valuation committee will be struck in each of our school boards. They will set local criteria for understanding a school's education and economic value. Boards will conduct, for the first time, school valuations to look at the implications of individual school challenges and as a means to assess the impact of school closures on students, the board, the community and the local economy. For the first time, long-term decision-making can be driven by programs and benefit to students instead of facilities alone.

For the first time too, we will actually be quantifying the reasons behind facilities' decisions. It is long overdue because, instead of a funding formula that serves the needs of students, we have required boards, schools and students to adapt to a funding formula. By looking for better and smarter ways of working with school boards, we have been able to dedicate additional funds to this initiative.

For students across Ontario, this means, for example, \$556 million worth of roofs that don't leak, \$291 million worth of windows that open and close properly, \$211 million for heating and cooling systems that work, \$209 million worth of plumbing to ensure that sinks and toilets don't back up, and additional money for septic systems, boilers, fire alarms and extinguishers and other urgently needed items.

This government will deliver Good Places to Learn. We are committed to achieving a high standard for our students' education, together with the resources and the flexibility needed to make these standards achievable right across the province.

Notre gouvernement mènera à bien l'initiative Lieux propices à l'apprentissage. Nous sommes déterminés à offrir à nos élèves une éducation d'excellente qualité, de même que les ressources et la souplesse voulues pour que ces normes puissent être atteintes dans toute la province.

Our government's plan for Ontario is all about strengthening our province by strengthening our people, starting with their education and their skills. Better schools and fewer school closures will mean less disruption and a more positive learning environment for our students. Our Good Places to Learn initiative will help them to succeed, which will help Ontario to succeed in the years to come.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Frank Klees (Oak Ridges): I wasn't going to give unanimous consent when asked earlier because, as usual, as per the practice of this government, we did not get advance notice of this statement and we certainly weren't presented with it in reasonable time. However, I will respond.

What I don't understand, and Speaker, maybe you can help us with this, is that the minister stands in his place and announces a fund of \$280 million to make repairs of

some \$4 billion. What does that mean? Who is going to figure out how you get \$4 billion of repairs when the government is prepared to fund \$280 million? Here's what it is: This government's great plan for school repairs is that they are going to pay for the interest and encourage school boards to borrow the money to do the work that has to be done. That's the only thing I can figure out here. That is the kind of snake oil we've become accustomed to, coming from this minister and this Premier.

What interests me, and many people across this province, is where the minister's commitment is to rural schools. During the election campaign, the Premier promised \$170 million for rural schools. What we're all now waiting to hear: Is that \$170 million that was promised for rural schools part of this \$280 million, or is this in addition to that?

The Premier committed very clearly that he would resolve the closure-of-schools issue. Now we hear that this is going to be a new school closing guideline. We've moved away from keeping rural schools open to simply providing new school closing guidelines. I'm sure that will be tremendously encouraging to people right across this province.

This Liberal government had a history of closing an average of 34 schools every year while they were in office at another time. What we can expect is more of the same. This Liberal government, which doesn't know how to balance a budget, is now going to be encouraging, very obviously, from this announcement, school boards across this province to also run deficits and to borrow money. The great announcement we have here today is that the government will come good for the interest payments. That's what I call construction. That's what I call, quite frankly, a devious way of sidestepping the responsibilities that they have.

I want to ask the minister, as the Holy Name of Mary school in Dufferin-Peel-Wellington-Grey is having serious capital problems, will this announcement today address that problem in Dufferin-Peel-Wellington-Grey? It will help parents, this minister tells us, across this province and it will keep schools open. Well, Minister, I want to put you on notice. We're going to be tracking those schools that are slated for closure and we'll hold you to account to see how many schools close over the next two years. We will remind you of this announcement that this minister is making today as supposedly the answer to the rural-school-closing issue. Is this \$280-million announcement truly an announcement that school boards will be able to embrace, or is it something that school boards will fear—fear, because they know that this is simply a matriculation on the part of this government, forcing them to borrow money that should be funded out of capital resources by this government?

Minister of Education, once again, we've caught you, and you will have to be accountable to the people of this province—one more promise broken. Where's the \$170 million you promised for rural schools? Is it or is it not

included in this \$280 million here? If not, where is the money?

1400

Mr. Rosario Marchese (Trinity-Spadina): I know the Liberals are looking for someone to support them and praise them for what they're doing, but they're not going to find it here. We all know that we desperately need money to renovate and rebuild buildings, replace old pipes, plumbing and, yes, boilers and so many other problems we have in the school system. We all know that, Gerard Kennedy, Minister of Education.

Let me tell you what you announced last May. Last May, your government announced \$200 million to be able to leverage \$2.1 billion for the renovations and rebuilding of buildings. Not one cent of that \$200 million has been spent or was ever intended to be spent—not one cent. This year, in February 2005, they announced \$280 million that will generate \$4 billion. Remember, \$200 million last year would generate \$2.1 billion; this year, we announced \$280 million, and it will generate \$4 billion. By the way, next year we're going to announce \$380 million, and it will generate \$6 billion, and on and on.

Do you think any money will ever flow, Gerard? I don't think so. I don't believe you. I have no confidence that any dollars will flow, and I'll tell you why. Look at the special-education announcement. Last year, in July, Gerard Kennedy said, "We are giving school boards \$100 million for special ed," which they were entitled to because they signed the application forms. Psychologists signed off, and they were waiting for the money. In July, he announces \$100 million. In August, he steals \$100 million from the boards and then announces that he's going to release \$50 million of that \$100 million that he stole from the boards, and that within a couple of short weeks or a month or two, he would have a new application process for people to get the money that they were entitled to before the July announcement. The application process is not yet done. Six months later, after he steals \$100 million from the boards, there is still no application process to get the money that he stole from the boards. I guarantee this to you: In a couple of months, by the end of the year, he's going to announce yet another \$100 million for special ed, that very \$100 million he stole.

The Speaker: Member, could you get to some parliamentary language that is acceptable, please.

Mr. Marchese: Thank you, Speaker, for your assistance.

I want to go on, if I can. I have no confidence that any of this money will ever flow. There will be another announcement next year on yet how much more money this government will give for renovations and rebuilding of buildings, and you won't see a cent.

Not only this, but they announced today that this money, the \$280 million, would help small schools to stay open. Now, you've got to figure this out. You've got to be some whiz kid to be able to say, "How does this help small schools?" Well, it doesn't, because not one cent is going to go to small schools to keep them open as

a result of this announcement. But the announcement was announced in such a way that small schools would stay open. Nothing in this announcement is going to help small schools. If you want to help small schools, 83 of which are about to close across the province, you've got to change the funding formula. And this government refuses to change the Conservative funding formula that is still in place. Liberals are operating under a Conservative funding formula that they are not willing to change.

So there was no announcement about a new funding formula for small schools today—no announcement, and not one cent. What does the minister announce? "There are going to be guidelines for small schools." Small schools don't want guidelines; they want money. They need money to have a principal, they need money for a vice-principal, they need money for secretaries and caretakers, and they need money for extra staff in order to keep a small school open. Did we get that today? No; we just got guidelines under the guise of capital dollars going to small schools. They're not going to get there.

I tell you this, Minister: You should be announcing today a lower pupil-teacher ratio for small schools to allow them to provide a program that is required.

Why are you not saying, "We will lower the threshold that creates the position of a principal," so that the placement of a principal in a small school will not be done at the expense of other schools? Why aren't you announcing that? You have no plan, and without a plan you are in trouble, and our students are in trouble.

ORAL QUESTIONS

GOVERNMENT ADVERTISING

Mr. Robert W. Runciman (Leader of the Opposition):

My question is for the Premier. Every one of your Liberal colleagues spoke in favour and voted in favour of Bill 25, An Act respecting government advertising. Promise number 154 from your platform states that you will ban partisan government advertising and promotional materials.

This Legislature passed your bill two months ago, and yet it has not been proclaimed by cabinet. Do you still stand by your legislation and your promise, or will this be just one more broken McGuinty promise?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): It almost leaves me speechless—almost. It's hard to imagine how somebody can work up the nerve, the temerity, the audacity to ask, on behalf of Ontarians, about the illegitimate use of taxpayer dollars on partisan political advertising when that government set the standard for all time, spending hundreds of millions of dollars in a wasteful way on partisan political advertising.

Yes, we stand behind our bill.

Mr. Runciman: You talk about nerve and audacity. Our advertising covered things like West Nile virus protection, flu shots and Telehealth Ontario.

Premier, section 6 of your advertising legislation states that an advertising item “must not include the name, voice or image of a member of the Executive Council or a member of the Assembly.” By your answer to the first question, I take it you agree with that. Yet in December, after your legislation had already passed second reading, your Minister of Health sent hundreds of these partisan political brochures to every MPP’s office. They are partisan under section 6 of the government’s legislation, and they open with a message from the Minister of Health. Worse, the language contained in your partisan brochures is virtually identical to the language in your election platform.

Premier, your legislation is law, lacking only formal proclamation. How can you justify breaking your own law?

Hon. Mr. McGuinty: I beg to differ with the member opposite. He apparently still does not understand what partisan political advertising is. If he would like, we will gladly bring back the extensive selection of brochures and pamphlets that were presented on behalf of his government during their stay in power. We are more than prepared to demonstrate for them what partisan political advertising really is.

Mr. Runciman: I think it’s clear that you’re breaking the law. We were operating, whether you agree or disagree with what we did—

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: There’s an apparent attempt to bring all kinds of boxes on to the floor of the Legislature as props.

Interjections.

The Speaker (Hon. Alvin Curling): Thank you for both points of view. I will be looking out that we have proper order in here.

Mr. Runciman: My point was that our government, whether Mr. McGuinty and his friends agreed or disagreed, was not breaking the law. He apparently is breaking the law of his own government.

I want to talk about your priorities. Two days ago, your Liberal colleagues in a Liberal riding announced a \$400-million sweetheart deal for swanky new hotel beds at the Windsor casino. Now we see you are spending thousands of taxpayer dollars to send partisan political brochures to MPPs’ offices for our constituents, brochures that break your own advertising laws.

Premier, you have shown no evidence that you have a plan for health care. Whether it’s stalled negotiations with our doctors, your firing of almost 1,000 nurses or your directive that hospitals cut \$170 million this year, it’s clear you have no plan. When will you get your priorities straight? Health care: not hotel rooms, not glossy brochures, not pit bulls and sushi—health care. When will you make that your priority?

We’re sending these brochures back, Premier. We don’t want them. Ontarians don’t want them.

Interjections.

The Speaker: Order. I ask the member for Durham to take his seat. We’ll take a five-minute break.

The House recessed from 1412 to 1416.

The Speaker: Before I continue, all of these pamphlets that are being displayed should not be on your desks and displayed during question period, please, or while Parliament is in progress here. I would like you to put that away.

Mr. Gilles Bisson (Timmins–James Bay): But it’s a government document.

Interjections.

The Speaker: Order. I’d be able to move on if the Minister of Finance and the member for Niagara Centre would come to order. We will proceed with question period and a new question.

HEALTH CARE SERVICES

Mr. John R. Baird (Nepean–Carleton): My question is to the Premier. I want to return once again, Premier, to the sad reality that you have no plan for health care, and I want to talk about the fiscal crisis that you’ve created in Ontario’s public hospitals. On behalf of the 757 nurses—

Laughter.

Mr. Baird: Seven hundred and fifty-seven nurses are losing their jobs, and I don’t think it’s anything funny for government ministers to sit and laugh at. Seven hundred and fifty-seven nurses are losing their jobs.

Interjections.

The Speaker (Hon. Alvin Curling): Order. If you want to proceed with question period in this manner, it’s fine. I can stand up for the hour, and we’ll have no exchange of questions or responses. I’d like to proceed with question period, if that’s your wish. If it’s not, we can move to the next order on the paper.

The member from Nepean–Carleton.

Mr. Baird: It’s not a laugh that 757 nurses are being given pink slips by Premier Pink Slip here.

Premier, here’s what Ontario nurses say about you and your government: “The McGuinty government has done a 180-degree turn from its stated commitment during the election to ... hire 8,000” new nurses. Those are the words of the president of the Ontario Nurses’ Association. She says, “Layoffs will deeply affect patient care.”

Premier, stand in your place and say you will overrule your bully health minister and reinstate these 757 nurses so that they can provide care to needy patients in this province.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I am proud of the work that continues to be done by the Minister of Health and proud of the fact that our government has thus far been able to fund 3,052 new full-time nursing positions. Some 664 of those are in our large hospitals, 538 are in our small and medium-sized hospitals, 600 are in our long-term-care homes, and 250 are in our home care and community health sectors. We have, in addition, 1,000 temporary full-time positions for new nursing graduates. Beyond

that, we've also invested \$60 million for 11,000 bed lifts in hospitals and long-term-care homes to improve the quality of working conditions for our nurses.

The Speaker: Supplementary.

Mrs. Elizabeth Witmer (Kitchener–Waterloo): Premier, there's not much to be proud of. Even Doris Grinspun of the RNAO has indicated her disappointment at your government's decision to cut 757 nursing positions.

I want to talk to you about hospitals. Hospitals were forced to submit their balanced budget plans to your minister for review and approval. The bureaucrats went over every line, and they approved the cuts. All told, \$170 million worth of cuts were approved.

I want to talk to you about Sick Kids Hospital in Toronto. Your government approved plans to lay off 45 health care workers. You also approved plans to shut down all four day-surgery facilities at the hospital in order to save money. Some 3,600 procedures are performed every day. Where will these children now go? As you know, Premier, Sick Kids serves some of the most fragile children from across this province and across the world, yet you stand in your place today and you tell us that your priority is these—

The Speaker: Thank you, Premier?

Hon. Mr. McGuinty: Again, let me just say how proud we all are of the fabulous work that continues to be done at Sick Kids Hospital here in Toronto. We are partnering with them, as we are partnering with every other hospital across the province.

In fact, we've spent \$1.7 billion more on hospitals so far. I want to contrast that with what happened on the Tory watch. They cut hospital funding by \$557 million, they closed 28 hospitals, and they shut down 5,000 hospital beds in their first two years. That is the contrast. We are investing more money in our hospitals and working with our hospitals to improve their quality of care, whereas our predecessors hacked and slashed to the tune of half a billion dollars.

The Speaker: Final supplementary.

Mr. Norm Miller (Parry Sound–Muskoka): Premier, let's talk about what's happening in Ontario today. Today, six family doctors in Geraldton told the community that they are quitting. That means that 3,000 people of Geraldton will have to drive three hours to see a doctor.

Instead of getting a deal with doctors, you're spending money on brochures to tell Ontarians about how great their health care is. You only met with Ontario's doctors four times in January. You are conducting NHL-style negotiations, and we know how that ended.

Premier, tell me and tell Ontarians: When are you going to get serious about getting a deal with Ontario's doctors, and what are you going to do for the people of Geraldton?

Hon. Mr. McGuinty: Again, I want to remind the member opposite that on the watch of that former government, underserved communities went from 63 to 142 while they sat idly on their hands.

Let me tell you about some of the things that we're doing to increase the number of doctors in Ontario. We're building a brand new medical school in northern Ontario, the first one to be built in some 30 years. Beyond that, we are increasing the number of spaces in all of our medical schools. Beyond that, we have doubled—more than doubled, in fact—the number of residency spaces for our international medical graduates. That's the kind of work that we are doing to increase the number of doctors practising in the province of Ontario.

LIBERAL CAMPAIGN PROMISES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier.

Premier, I want to know why you continue to try to blame Nova Scotians, Newfoundlanders and Paul Martin for the health care and financial messes that you've created. You see, Premier, you weren't straightforward with the people of Ontario in the election and now you are bashing the federal government and trying to cover up your tracks. In the election, you promised better health care, better education, better public services, and then you looked into the camera and you promised Louisiana-style taxes. This week, the Provincial Auditor called you on that neat little Enron-style \$3.9-billion accounting trick that you tried in your budget and, as a result, you're now desperately looking for an extra \$5 billion.

Premier, when are you going to stop fed-bashing, stop playing the blame game, and start taking responsibility for the messes that you have created?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): It's interesting how the leader of the NDP's position has changed on this, because I can recall—in fact, I have a quote here from him that I'm sure he's very interested in hearing, something that he said while serving in government. He said, "The real problem is that revenues from the federal government have not kept pace with needs." He was right then and he's wrong today.

Mr. Hampton: Premier, these are your promises, this is your failure to deliver, and it's your responsibility. Looking for someone else to blame isn't going to work. You made an impossible promise, the auditor has called you on it, and now you're desperately looking for someone else to blame.

That's not the leadership that Ontarians expect. Ontarians want their Premiers to be builders, not bashers. At the end of the day, you wouldn't be in this tight spot if you'd simply levelled with people during the election. You would have said, "We can't have good-quality health care and have Louisiana-style taxes at the same time."

So I ask you again, when are you going to stop bashing Paul Martin, when are you going to stop blaming Nova Scotians, when are you going to stop blaming Newfoundlanders, and recognize these are your promises and you're the one responsible—

The Speaker (Hon. Alvin Curling): Thank you, Premier.

1430

Hon. Mr. McGuinty: There is in fact an important issue here, although the member opposite refuses to recognize it. The fact that if a new immigrant lands in Quebec, the Quebec government gets \$3,800, and if an immigrant lands here at Pearson, the Ontario government gets \$800, I think is a real issue and we ought to address it. The member opposite may not think that is a real issue. He may not think we should stand up on behalf of Ontarians to work with the federal government to address that issue, but we on this side of the House are demanding nothing more and nothing less than a modicum of fairness from the federal government, and that's what we're going for.

Mr. Hampton: Once again, I want to quote someone who condemns bashing the federal government: "Once again" the Premier "plays the blame game when it comes to the federal government. He says that if only the federal government would send the province more money, then things would be better off here.... Well, it is time for the Premier and this government to stare into the face of their own economic failings."

Interjection: Who was that?

Mr. Hampton: Who said that? That was Dalton McGuinty just a few years ago, the same Dalton McGuinty who now wants to bash the federal government and play the blame game. New Democrats support more funding for our important public services, like health care and education, but the real story here is that you picked a fight with Ottawa to try to cover up the problem that you, and you alone, created. When will you stop blaming others and take responsibility for your own promises and your own broken promises?

Hon. Mr. McGuinty: Apparently the leader of the NDP doesn't think we should raise this issue with the federal government. Apparently it's not something that is worthwhile even exploring. He is apparently choosing to sit this one out. Speaking of leadership, I think that will lend real insight into his style of leadership when it comes to the people of Ontario.

Something else I want to remind my good friend opposite about is that when it came time to vote to end the Tories' corporate tax cuts, he voted against that bill. When it came time to end the private school tax credit, he voted against that bill as well. So if we get the record straight here, he is not prepared to support the government when it comes to raising these basic issues of fairness with the federal government. He is not prepared to support our legislation that eliminated the corporate tax cuts and he is not prepared to support our legislation that eliminated the private school tax credit. It seems to me the member opposite is not prepared to stand up for Ontarians any which way at all.

HEALTH CARE SERVICES

Mr. Howard Hampton (Kenora-Rainy River): No, Premier, I'm not into whining. I don't think the people of Ontario are going to be fooled by your new-found

attraction to whining and blaming the federal government.

Let me ask you about a mess you have created. Today, all 3,000 people in Geraldton woke up to discover that they will have no family doctor come May because the six doctors are leaving town. You're turning Geraldton into a doctor ghost town. You have no plan to fix the mess other than wasting some money on partisan political advertising and looking for someone to blame. When are you going to stop the blame game and start delivering better health care? Not more propaganda—better health care. When are you going to stop the blame game, Premier?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Health would like to speak to this.

Hon. George Smitherman (Minister of Health and Long-Term Care): First and foremost, the message we send to the people of Geraldton today, which I've done through an expression both to their mayor, Mayor Power, who is actually in Toronto today, and to Michael Gravelle, our MPP who is in the area and working on it, is that the government will stand with the people of Geraldton and work to resolve this situation.

I would say to the honourable member, who as a northerner and especially as someone who has his DNA involved in the challenge we have around the doctor shortage in Ontario stemming from the realities of his government, which were that they closed medical schools, that I think he ought to be more cautious about this.

The reality in Geraldton is that doctors have given notice, and if we don't have some success in attracting additional doctors, there will be a loss of service in the community in May. We're working very closely with the local community to resolve the situation.

Mr. Hampton: The minister says we closed medical schools. I'm not aware of any medical schools that were closed in Ontario.

It's interesting that you bring up the mayor, because the mayor says, "If there are no doctors in the community, where do you go? Do you go to Nipigon? Do you go to Hearst or Thunder Bay?" Nipigon is 175 kilometres away; Hearst, 246 kilometres away; Thunder Bay, 271 kilometres away; and the McGuinty government is a million miles away from keeping its promises on health care. You're more interested in picking fights. You're more interested in partisan political propaganda.

The Speaker (Hon. Alvin Curling): Order. I've warned about that pamphlet that you keep waving.

Mr. Hampton: Speaker, it's a government document.

The Speaker: Order. I'm asking the leader of the third party to co-operate and put that pamphlet away, because at the outset we made a strong demonstration of faith and I ruled that we would not—

Interjection.

The Speaker: Could I ask the member for Halton to come to order, please.

I ask him to put it away because now he's using it as a demonstration. Could you now complete your question.

Mr. Hampton: This is a government that is more interested in picking fights with doctors, taking advantage of nurses and putting out partisan political propaganda than in solving health care problems.

I ask the minister and I ask the Premier again, when are you going to stop playing the blame game? When are you going to stop bashing everyone else and live up to the promises that you and you alone made?

Hon. Mr. Smitherman: First and foremost, the honourable member, in his earlier supplementary, didn't wish to acknowledge the reality, which is that the record of his party is clear. When they were the government of the province of Ontario, they reduced capacity at our medical schools by 15%, and this party took years to respond to it and begin to increase it.

The issue, with respect, is clear on an additional point, which is that in our negotiated agreement with the Ontario Medical Association, both that party and the leader of that party stood in their places and said we were being too generous to our doctors, and now the honourable member suggests that isn't the case.

He asked about our health care plan: this year alone, an investment of \$2.8 billion to enhance the quality of health care in the province of Ontario.

The challenge in Geraldton is a challenge we will face. We're working already with the mayor and the local member. I send this message to the people of Geraldton: While that party wishes to play politics, we will work—

The Speaker: Thank you. Final supplementary?

Mr. Hampton: According to the McGuinty government, it was the Conservatives or the NDP or a government that may have been in place federally in 1993 that is to blame now. Anyone else is responsible but the McGuinty government. But it's not going to work.

You see, it's not just health care but child poverty. You promised to eliminate the clawback of the national child benefit supplement. You're not. Child care: You promised to invest \$300 million of new provincial dollars to create 330,000 new child care spaces. You haven't done that.

Tuition: You said that students are paying too much and that you're not going to lift tuition fees. You're going to do that.

Here is the reality: Ordinary Ontarian families feel let down. They were really hoping you would be different, but your government is disappointing them. When, Premier, are you going to stop blaming everyone else—blaming Newfoundland, blaming Nova Scotia, blaming Paul Martin, blaming doctors, blaming nurses—for your problems?

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Hon. Mr. Smitherman: There are two political parties in this Legislature, not three but two, that have been in power over the course of the last while and have actually cut hospital funding. We have invested \$1.7 billion in our hospitals since we arrived.

There are three political parties in the Legislature, and two of them have a very recent record of reducing nurses

in the province. On the NDP watch, it was 3,800; on the Conservative watch, it was 6,600.

This year alone in Ontario, our government has funded and created 3,052 additional spots for nurses: nurses in the community; nurses in public health; nurses in long-term-care homes; and nurses in hospitals, large and small, all across the province. That is—

The Speaker: Thank you.

Interjections.

The Speaker: This is question-and-answer period. We seem to be getting a lot of long speeches. I have allowed a minute—

Mr. Peter Kormos (Niagara Centre): Exercise control.

The Speaker: Order. I will exercise control if you come to order, member from Niagara Centre.

I'd like all members who are asking a question and those who are responding to adhere to the one minute. When I get up, I'd like them to sit down.

We will then proceed to a new question.

HOSPITAL FUNDING

Mr. Jim Wilson (Simcoe-Grey): Mr. Speaker, it was good of you to settle them down before I get wound up.

The question is for the Premier. While you waste hundreds of thousands of dollars on health care brochures, cancer patients in York region and Simcoe county continue to suffer. As you know, they are slated to have two new cancer centres built, one at Royal Victoria Hospital in Barrie and one at the Southlake hospital in Newmarket.

I just want to remind you about the patient needs in this region of the province. The southeast region's population is growing 80% faster than the provincial average. Our growth rate for residents over age 50 is rising 50% faster than the rest of the province, and the cancer rate in our region is growing 25% faster than the rest of the province. The death rate for cancer in this region is 42% higher per year than the provincial average. You have an obligation to these patients and you have an opportunity to improve their lives, to save their lives and to improve the quality of their lives.

Each hospital has now raised in the last two months \$10 million from their own communities for their share of the construction. When are you going to give the green light to these badly needed cancer centres?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Health, Speaker.

Hon. George Smitherman (Minister of Health and Long-Term Care): I think, first and foremost, you should establish the reality that John Tory himself acknowledged in Cornwall recently, which is that in the run-up to the last election your party ran around all over Ontario with your rubber cheques in hand, making promises about hospital construction to the point where the Ontario Hospital Association has indicated that that list totals \$6 billion. This presents a challenge.

On the issue of cancer centres, I've had the opportunity in the House previously to answer this very same question as relates to Barrie and Southlake. First and foremost, we want to acknowledge the excellent work that's being done in the local community. These centres are indeed needed.

We take advice from Cancer Care Ontario, and they have said to us very clearly in their report of last fall that there are five regional priorities, and that Niagara, as well as increased capacity in both Kingston and Ottawa, stand slightly ahead of those priorities in Simcoe county and in Newmarket. We'll be abiding by Cancer Care Ontario's advice.

The Speaker (Hon. Alvin Curling): Supplementary?

Mr. Ted Arnott (Waterloo-Wellington): A supplementary to the same minister: We've seen the government announce on Valentine's Day, when the House wasn't sitting, a \$400-million sop to lure more gambling addicts to the Windsor casino and shore up the political fortunes of the MPPs for Windsor West and Windsor-St. Clair. The government clearly has its priorities backwards.

Almost every hospital in the province is facing a financial crisis. The Palmerston hospital, the Mount Forest hospital, the Fergus hospital, the Kitchener-Waterloo hospitals, the Guelph hospital, the Orangeville hospital, the Georgetown hospital—all of those hospitals needed a piece of that \$400 million and they didn't get it. And today we read in the Toronto press that the Humber River Regional Hospital is being forced to push 100 service staff out the door, including staff helping kidney dialysis patients. What is the government going to tell these dialysis patients who will be inconvenienced and forced to wait longer for the health services they need to live—that they should go to the Windsor casino?

Hon. Mr. Smitherman: The honourable member manages to get himself all worked up today. One wonders what he did when his party stood in office and cut \$557 million from Ontario's hospitals. What was his position then?

The realities are very clear that in order to be able to support the health care of the future, we need to have vibrant economies. I'm very proud to be part of a government that, at the same time that it can make a \$2.8-billion new investment in health care, we have the wherewithal and the capacity to support the economic diversity of a terrific community like Windsor. This is obviously very necessary if we're going to be able to support the kinds of program expansions that the honourable member talks about in his question. I would point out that on the hospital line item alone, a \$2.8-billion investment in health care alone this year is \$700 million more than that party promised in their Magna budget.

GREENBELT LEGISLATION

Ms. Marilyn Churley (Toronto-Danforth): I have a question for the Minister of Municipal Affairs. Last week, the Coalition on the Niagara Escarpment, a

respected guardian of escarpment lands, had this to say on your greenbelt:

"The Liberal Party majority on an all-party legislative committee examining the Greenbelt Act ... voted down an opposition amendment that would have made the Golden Horseshoe greenbelt boundaries permanent. In so doing, the Liberal government has broken an election promise made in 2003 and repeated when the Greenbelt Act was first introduced in the Legislature in October 2004 that the greenbelt would be 'permanent.'"

I made that amendment because I thought it must have been an oversight or an error in the legislation. I was stunned when every Liberal member voted it down. So, Minister, the question is: Will you keep your promise and make the greenbelt boundaries permanent?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I appreciate the question from the member opposite. Let me just tell you this: Yes, the greenbelt will be permanent. It will be a million acres of lands, of sensitive environmental and agricultural lands, saved for future generations to come so that the kinds of sprawl and gridlock situations that were involved with this part of Ontario will not happen in the future.

Let me just quote to you from another document: "The proposed Greenbelt Act, 2004 and ... greenbelt plan create a unique opportunity to reverse the negative effects of sprawling urban development, preserve farmland and protect natural systems. It is also the chance to achieve something truly extraordinary for this and future generations: a robust, continentally significant greenbelt." Who said that? David Suzuki and 74 other scientists and academics who are totally behind this effort of this government. This government is doing something about this that other governments did not have the courage to do.

Ms. Churley: Minister, he said it was a unique opportunity—an opportunity that you have squandered. Not only did the Niagara Escarpment group say this, but John MacKenzie, a spokesman for Municipal Affairs Minister John Gerretsen, conceded that there is a provision in the Greenbelt Act to allow the government to modify the greenbelt boundaries. You have squandered your opportunity. It is not permanent.

Minister, I'm going to ask you again—because what this means, in case you're not clear, is that 1,000 hectares can be removed from inside the southern greenbelt boundary where development pressures are the greatest, as long as 1,000 hectares are added along the northern boundary. So your development friends now know that they don't have to worry, because you can give them that prime land there.

1450

Minister, let me say it again: Ontarians do not want a floating greenbelt. Will you make your greenbelt boundaries permanent, or are the greenbelt boundaries, like stopping the construction of 6,000 houses on the Oak Ridges moraine—

The Speaker (Hon. Alvin Curling): Thank you. The Minister of Municipal Affairs.

Hon. Mr. Gerretsen: Speaker, this is hard to take from this member, because this member also said, and let me just quote: "Listen, I make no bones about it. We are supporting this legislation."

What else did she say on the record? She said, "I just want to say, I will be voting in favour of this bill. I believe it is a step in the right direction."

Interjections.

Hon. Mr. Gerretsen: What we have simply said in the bill, in order to make sure that there isn't going to be any diminution of the greenbelt, is that if an acre of land is taken out of the greenbelt, another acre of land will be added in. It is a better provision than exists in any kind of similar legislation—

The Speaker: Thank you.

Mr. Richard Patten (Ottawa Centre): On a point of order, Mr. Speaker: I believe the member across the way asking the question used an unparliamentary term and called the member a liar. I believe that is out of order.

Interjections.

The Speaker: Order.

Mr. Peter Kormos (Niagara Centre): I heard her call the government a liar.

The Speaker: I did not hear the word, but if the member has said something unparliamentary—

Interjections.

The Speaker: Order. If the member has said something unparliamentary and would like to withdraw it, she may do so. I did not hear the word.

Interjections.

The Speaker: Order. It's becoming a bit difficult to keep some order in the House. I know the honourable members here would like to make sure that we have an orderly Parliament, but it's becoming extremely difficult.

I've just asked the member. If she so wishes, could she respond?

Ms. Churley: Mr. Speaker, the minister—

Interjections.

The Speaker: Order. I will say it again: I did not hear it. If you wish to withdraw, you may do so. If you do not, there's nothing I can do, because I did not hear it. Do you wish to do that?

Ms. Churley: No, I don't wish to withdraw.

The Speaker: Thank you.

Ms. Churley: The minister lied about—

The Speaker: Now I have heard the member.

Interjections.

The Speaker: Order. I will ask the member to withdraw the word. If she fails to do so, I will then have no alternative but to name the member.

Ms. Churley: No.

Ms. Churley was escorted from the chamber.

Interjections.

The Speaker: Order. I will now ask the member from Niagara Centre to withdraw his comment.

Mr. Kormos: Of course, Speaker. I withdraw.

SCHOOL FACILITIES

Mr. Dave Levac (Brant): My question is for the Minister of Education. Minister, it is not a secret that some of the schools across the province are suffering from years of neglect. We're talking about the lack of funding, the lack of textbooks for our students, the lack of investment from the previous provincial government and the overall decay of some of those schools. Some of our schools are literally crumbling in front of us, and some of those schools are in my riding.

Minister, today you made an announcement that this government will be investing in the crumbling schools. Can you please explain how the schools like those in the Grand Erie District School Board and the Roman Catholic separate school board in my riding will be able to spend that money as has been allocated so that they can get to work in fixing our schools for those students to have a great place to learn?

Hon. Gerard Kennedy (Minister of Education): We have indeed, unfortunately, in this province been subjected to years of neglect. The previous government let our facilities run down, which had two effects: It deprived students of their education, and it cost us a lot of money. Because the facilities were not being fixed in a timely fashion, we paid a compounded price.

We are making \$4 billion worth of resources available to school boards, and we have improved on the funding formula from the last government. They actually had a financing formula in place that cost us more money and left stranded grants out there. Each year, they sent \$109 million to school boards that didn't build a thing. We have actually made it possible that the boards will start to renew the schools this summer, and they are actually going to be able to make a substantial improvement in the quality of education for virtually every student in the province.

Mr. Levac: I know for a fact that the parents in my riding, and I'm sure across the province, and in particular the students who have to learn in those conditions, will be very happy about today's announcement. When do you expect those school boards to begin repairing the schools, and how are they going to be identified?

Hon. Mr. Kennedy: Independent assessors have gone through every school in the province and found that we have accumulated \$3 billion—previous governments have known about these needs—worth of high-level and urgent requirements that were ignored by previous governments. In the next 18 months, we will take care of all of these \$3 billion worth of needs. There is \$1 billion that will be available before the start of the school year this summer, because that's the construction season. That will go to boards as soon as they confirm that their portion of the \$3 billion—and they get to choose when their portion is going to get done—and then a capital plan has to be submitted, because for the first time in this province we're going to be spending money, investing money on capital so we can deliver better programs. Every board will be required to fit in the smaller class

sizes, those extra programs for dropouts. Those things will be done first, and then the rest of the money will flow.

Mr. Frank Klees (Oak Ridges): On a point of order, Mr Speaker: The Minister of Education has made a statement that he has made \$4 billion available. That is not true. That is not true—

The Speaker (Hon. Alvin Curling): Order. Today's question period seems to be rather raucous and unparliamentary. I'm very surprised at certain members who are using some very unparliamentary language. I'm going to ask the member from Oak Ridges, who has actually accused a member in an unparliamentary way, to withdraw his comments.

Mr. Klees: I withdraw, Speaker.

HOSPITAL FUNDING

Ms. Laurie Scott (Haliburton–Victoria–Brock): My question is for the Premier. As you know, the McGuinty government has no plan for health care. John Tory was in Peterborough standing up for the hospital this week because it had no choice but to cut 75 staff, half of whom are nurses. It was Elizabeth Witmer who first approved the plan in 2000, and it's your government now that is stalling. Your Minister of Health stood here in December 2003 and said the new hospital would be built by 2007. On December 9, 2004, a full year later, he said the same thing, and still nothing has happened.

You have \$400 million for a new five-star Papatello palace in Windsor and money to waste on partisan brochures that break your advertising law. Premier, instead of hustling taxpayers in a game of Texas Hold'em, maybe you should fold your hand and solve the real issue facing patients in Peterborough. Will you commit today to the residents of Peterborough that you will respond to the tender for the construction of a new hospital in Peterborough within 30 days of March 1, and not a day longer?

1500

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): It's interesting that the honourable member would start with a comment about our health care plan when she has been lobbying me so aggressively for family health teams for her community.

As to the other item with respect to the hospital in Peterborough, this work you're on to today has already been done by our colleague the member from Peterborough.

Applause.

Hon. Mr. Smitherman: The hard-working member.

I know the Premier will be in this community tomorrow and he will have the opportunity to reiterate to the community what has been already very clearly stated to Chair Brick, in a letter from me to the hospital, which is that we have given this hospital the approval to move forward. It's an important hospital, it's long since

overdue and it stands on that lengthy list totalling about \$6 billion that John Tory himself in Cornwall admitted is one more piece of the cruel legacy of your party while in government.

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. John O'Toole (Durham): My question is also to the Minister of Health. It's good to see that the Premier's office has just ushered Mr. Leal in to stand up for his constituents in the riding of Peterborough.

I'm reading an article from the Peterborough Examiner that is saying what the minister said, that the Premier is indeed in Peterborough tomorrow, but, Minister, you should be aware that he's skipping the hospital. The question then remains, why is he skipping the hospital when this is the front page story? Mr. Stewart, when he was the MPP, would stand up and ask the tough questions. It appears Mr. Leal spends all his time as a trained Liberal reader. He isn't standing up for his community.

Honest to God, Minister, I really am concerned that you have—

The Speaker: Order. All questions are directed to the Speaker and all responses are also directed to the Speaker. I would like the member to direct his question here, and I ask the members to give me an opportunity to listen to the question.

Mr. O'Toole: They have promised on two occasions to commit to the new facility for the Peterborough Regional Health Centre. On many occasions they have promised but failed to deliver, as they did all during the election. So my question is quite simple: Is the minister prepared, or is the Premier on his visit to Peterborough tomorrow prepared, to make one single response here, and that is, to respond to the tender for the construction of the new hospital in Peterborough within 30 days? Do this for the people of Peterborough. Jeff Leal fails to do it. Will you stand up tomorrow, Premier, in Peterborough and tell your friend Sylvia Sutherland that—

The Speaker: Thank you. Minister of Health.

Hon. Mr. Smitherman: I appreciate the opportunity to talk about Peterborough because it is such a good example that our health care plan is working. Yes, the Peterborough hospital will go forward this fiscal year.

In addition, Peterborough represents one of the most impressive applications for family health teams, because there has been tremendous work by all the primary care physicians in Peterborough. We're going to work very closely to deliver on the promise of family health teams in communities like Peterborough all across the province. The mayor of Peterborough, Sylvia Sutherland, is a representative of the voice of small communities on the College of Physicians and Surgeons board, with a view toward making sure that these communities are well spoken for.

You talk about the Premier. I'm sure the Premier has been in Peterborough more times than the honourable member has, despite the fact that it's an adjoining community. Our response to the problem that community had with floods stands as an example of our community's commitment—

The Speaker: Thank you. New question.

CHILD CARE

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Children and Youth Services. Minister, the last time we heard from you, you were promising to be a leader in Canada in child care, but you've come back empty-handed. There's no agreement with the federal government and there's no new provincial money for child care. Families are on waiting lists. Child care workers are underpaid. Children are being placed in unregulated spaces. You can't be a leader in child care by breaking promises and avoiding decisions.

You promised to provide \$300 million in new provincial funding for child care. Minister, where's the money, and where is the action plan for our children?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'm very proud to be part of a government that gave the first new investment in child care in almost a decade—\$58 million this year alone to create 4,000 new spaces. We are on target for creating those spaces by the end of March of this year.

It was a very excellent meeting in Vancouver. Unfortunately, some of the other provinces did not want accountability and did not want to report to Ottawa. We know what happened in this province when there wasn't accountability for child care money: Not one penny went to child care. We agree with accountability for child care. We are working with the federal minister, and we will obtain those funds for child care for Ontario children.

Ms. Horwath: Minister, you broke your promise, and now you're shirking your responsibilities as our advocate for children.

Studies show that children need a not-for-profit system that puts them before the bottom line. That should be the pillar of any new child development system. The federal minister said on Tuesday that only one province is pushing for a non-profit model. We know it's not you.

You are trying to dodge responsibility by downloading this crucial decision to municipalities. You want cities and towns to take the heat for the fact that you don't have a plan. You're out of touch with what really matters to everyday families: putting their children first.

Minister, will you put children first right here and now and commit to making all new spaces in the province of Ontario not-for-profit?

Hon. Mrs. Bountrogianni: I'm very happy to respond to that question. We're very proud of our Best Start plan putting child care spaces in schools so that JK and SK students have a full day of education and service, making it a smoother transition to school.

Ninety-five per cent of our existing child care spaces in schools are not-for-profit. We don't anticipate this trend to change. The federal minister is also asking us to monitor the effects of our child care spending in profit and not-for-profit centres; we will do so. Our first criteria for any centre or any space in this province will be

quality. That is, first and foremost, the most important aspect of child care in this province.

WORKPLACE SAFETY

Ms. Judy Marsales (Hamilton West): My question today is for the Minister of Labour.

Hamilton, as you know, has a very proud heritage in the industrial and manufacturing sector. The industrial sector in Hamilton has been working earnestly and diligently to ensure the health and safety of their most important resource: their employees.

Minister, last year you announced that the government would be hiring new health and safety inspectors, which you have now delivered to this hard-working sector. Each year thousands of people are injured on the job in Ontario. How soon can we see these new health and safety inspectors on the job, supporting the health and safety initiatives which have been the hallmark of good leadership?

Hon. Christopher Bentley (Minister of Labour): I'd like to thank the member from Hamilton West not only for her concern about the thousands of workers injured in workplaces every year but for her advocacy on the part of her community and on the part of the workplaces in the Hamilton area to make sure that they are safe.

Yes, indeed, last July the McGuinty government announced that it would be hiring 200 new health and safety inspectors to keep workers safe throughout the province of Ontario.

On December 14, we hired the first 100 of those inspectors. Fourteen of those inspectors are going to be based in Hamilton to keep workplaces in Hamilton West and the surrounding area safer than they were before. Those inspectors are being trained now. They'll be on the job April 1, fully trained, able to keep our workplaces safe. They are part of our commitment to reduce workplace injuries by 20% by the year 2008.

Ms. Marsales: I'm very glad and proud to hear that this government is taking workplace safety seriously. The additional inspectors will help ensure Ontario workers are safe. Would you please tell us what tools the inspectors have to adequately enforce workplace health and safety in this legislation?

Hon. Mr. Bentley: In fact, just a few weeks ago we announced an additional tool that I'll get to in a moment. An inspector, when they approach a workplace and do an inspection, can provide advice to either the employer or the workers. They can issue stop work orders. They can institute an investigation that may or may not lead to a prosecution.

Just recently, this government announced that we were providing a new means of prosecuting offences for the industrial sector, and that is a ticketing means, so that now for serious offences you can have what are called the long form or part III prosecutions, and for less serious offences, you can have the inspector issue tickets. These tickets have been available before in the mining sector

and in construction and they are now available in the industrial sector as well.

The point is, we are determined to ensure the safety of workplaces throughout Ontario and determined to ensure that the laws of this province protecting workers are enforced.

1510

ACCESS TO HEALTH CARE

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Minister of Health. Yesterday I asked you to give your assurance that you would provide uninterrupted coverage for Fabry's disease to patients in this province. I did so in light of the fact that Bill Taylor and Carolyn Auger have been denied treatment now for four weeks by the Ottawa Hospital. Minister, today I heard from Bill Taylor and he said the following: "I am having trouble living. I am losing weight because I cannot eat. I am on dialysis and I have neuropathy in my hands and feet."

Bill and Carolyn do not want to die. Minister, I'm asking you today to please stop blaming the company. Please don't play the political games. Please follow through on the promise you made to Donna Strauss last July, in this letter after the death of her husband, that you would provide coverage. I ask you, would you consider providing the company with a date when your committee will render its verdict and ask the drug company to provide the drug free until such time as that decision is rendered? Will you please do the right thing in the interest of these patients?

Hon. George Smitherman (Minister of Health and Long-Term Care): The honourable member in her question asks me not to play politics, but I wonder what she's doing when she asks me to circumvent a process that in fact was part of her leadership.

Mrs. Witmer: I'm urging you to talk to the company.

Hon. Mr. Smitherman: We have been in communication with the company. The approach I take is that the company should fulfill the commitment they made to the media, which is that in the interim period, until such time as the Common Drug Review—they have instigated a second review on the company's concerns—they would fulfill their word and provide drugs on a compassionate basis to patients in all provinces. This is the position we take. It's a consistent position. I make that appeal again today. We have been in correspondence with the company and they are choosing to play politics with patients in Ontario versus others. We say to them again today that we expect them to fulfill the commitment they made, which is to treat patients equally across Canada.

PETITIONS

HEALTH CARE SERVICES

Mr. Norman W. Sterling (Lanark–Carleton): I have a petition from 1,700 people from the town of Smiths Falls in Lanark county.

"To the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary services."

I have signed my name to that petition.

GREENBELT

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): To the Legislative Assembly:

"Whereas we, who are landowners of north Ajax, are opposed to the proposed greenbelt plan in the north Ajax region. We request the complete removal of the proposed greenbelt plan on privately owned lands in north Ajax, such that all landowners in north Ajax will have equal opportunity to rezone their land without restrictions.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We are clearly opposed to the allocation of land designated as proposed greenbelt land in north Ajax. This opposition is based on:

"(1) Lack of available, current scientific data that supports the designated lands in the north Ajax region as 'environmentally sensitive';

"(2) Lack of clearly defined terms of the proposed policy, and their implications, such as: (i) Would the use of the term 'permanently protected' allow rezoning of the land, by either the landowners or the government? (ii) Will the landowners of 'permanently protected' land be financially compensated by the government to ensure that their property values are competitive in the current marketplace?

"To be clear, we are not opposed to preserving environmental land in the province or our region, such as in the Oak Ridges moraine. However, as stated, we are opposed to the ambiguous and to date unjustified allocation of land designated as proposed greenbelt land in the north Ajax region and request that all zoning restrictions be lifted from privately owned land in north Ajax.

"We would also like the governing bodies responsible for the proposed greenbelt plan to extend the December 12 and December 16 deadlines by at least one year, in order to allow for a reasonable time for the policy review by all parties affected and involved, especially in

consideration of the complex scientific, economic, social and political factors and implications inherent in the proposed policy.

"The landowners of the north Ajax region are eager to participate in the decision-making process of amendments to the proposed greenbelt plan, specifically in the north Ajax region, and we look forward to an immediate response from the governing bodies responsible for the proposed greenbelt plan."

HEALTH CARE SERVICES

Ms. Shelley Martel (Nickel Belt): I have a petition that was sent to me by the United Steelworkers of America. It reads as follows:

"Whereas the McGuinty Liberal government is cutting provincial funding for essential health care services like optometry, physiotherapy and chiropractic care;

"Whereas this privatization of health care services will force Ontarians to pay out-of-pocket for essential health care;

"Whereas Ontarians already pay for health care through their taxes and will be forced to pay even more through the government's new regressive health tax;

"Whereas the Liberals promised during the election that they would not cut or privatize health care services in Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand the McGuinty Liberal government keep its promises and guarantee adequate provincial funding for critical health services like eye, physiotherapy and chiropractic care."

I agree with the petitioners. I have affixed my signature to this.

NURSES

Mr. Jeff Leal (Peterborough): To the Legislative Assembly of Ontario:

"We, the undersigned, want more full-time positions for Ontario nurses. We feel there is not enough being done to retain nurses in Ontario. This province needs Ontario-trained nurses; therefore more full-time employment should be created for nursing graduates.

"Whereas, in a recent speech by Premier McGuinty, the current provincial government has mentioned designating \$50 million toward full-time employment opportunities and enhancing working conditions for registered nurses. Job creation should be in the form of full-time jobs, and new nursing graduates should be given equal consideration for these positions.

"Whereas nursing students represent the future of the nursing profession, we request creation of full-time positions for all nurses, but especially for new graduates.

"Whereas nurses compose a significant portion of health care providers in Ontario, therefore career opportunities should be supported by policy and government funding.

"We" therefore "declare our support of job opportunities for nurses and request government assistance with the creation of full-time" nurses.

This petition is signed by many people in the Peterborough area. I'll give it to Alyssa to give to the Clerk.

1520

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): I have a petition to the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth"—Alliston—"is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank Steve Dixon at Dixie Cleaners in Hamilton for circulating that petition.

SECOND-STAGE HOUSING

Ms. Andrea Horwath (Hamilton East): I want to present this petition that I received from a number of people in the city of Hamilton.

"Whereas funding for core counselling programs is needed, Family Services Hamilton has no funding to operate 28 units and therefore does not have the core funding to operate the second-stage services program;

"Whereas on April 6, 2004, the Honourable Sandra Pupatello stood in the provincial Parliament to announce government initiatives to fight domestic violence. She stated, 'Probably the most significant part of this announcement today is getting our government back in the business of second-stage housing.' The Liberals indicated that they would return core funding to support the programs and services in cash-strapped organizations like ours;

"Whereas on November 1, 2004, to the astonishment of Family Services Hamilton, these dollars were to be allocated for transitional housing support. Instead of following through with the original promise to reinvest in the 27 existing programs, the \$3.5 million was to be dispersed among 70 agencies across the province. Most of these agencies are not second stage, and some second stages have since found out that their programs will not

be numbered among those receiving the funds. We got no funding! Where is the core funding to come from to operate programs that were ignored?

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the government revises their decision based on the impact to the services in our sector and immediately reinstate full funding to the second-stage services program of Family Services Hamilton."

I affix my signature on this petition because I agree with it wholeheartedly. The women and other citizens of Hamilton need these services.

PIT BULLS

Mr. Phil McNeely (Ottawa–Orléans): "To the Legislative Assembly of Ontario:

"Whereas pit bulls are dangerous dogs, responsible for vicious attacks on humans out of all proportion to their numbers; and jurisdictions where bans on pit bulls have been introduced have seen dramatic reductions in pit bull attacks on humans; and community leaders and law enforcement officials all across the province have supported a ban on pit bull ownership;

"We, the undersigned, petition the Legislative Assembly of Ontario to enact legislation banning ownership of pit bulls in the province of Ontario."

This is signed by 35 people from Ottawa–Orléans. I'll put my signature on that as well.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): I found some more Banting homestead petitions.

"To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank Alliston Family Pharmacy, with special thanks to Johnny and Pamela for circulating that petition.

OPTOMETRISTS

Ms. Shelley Martel (Nickel Belt): This petition has been sent to me by the Ontario Association of Optometrists, and it reads as follows:

"Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists (OAO) expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

I agree with the petitioners, and I've affixed my signature to this.

CONTROL OF SMOKING

Mr. Richard Patten (Ottawa Centre): This is to the Legislative Assembly of Ontario:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separated designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke."

HEALTH CARE FUNDING

Mr. John O'Toole (Durham): I have the pleasure to present a petition on behalf of my constituents in the riding of Durham.

"Whereas the federal Income Tax Act at present has a minimum amount of medical expense for which a tax-

payer is entitled to claim a non-refundable income tax credit;

"Whereas the health and medical expenses of every citizen in the province of Ontario, great or small, affects of their overall net income;

"Whereas the Ontario Liberal government moved in their 2004 budget on May 18, 2004, to delist publicly funded medical services such as chiropractic services, optometry examinations and physiotherapy services;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Income Tax Act remove the present minimum amount of medical expense for which an Ontario taxpayer is entitled to claim a non-refundable income tax credit."

I'm pleased to support this on behalf of my constituents like Dr. James Stevenson.

LONG-TERM CARE

Ms. Shelley Martel (Nickel Belt): I have a petition signed by residents in my own constituency, which reads as follows:

"Whereas the Ministry of Health has approved a request by the Sudbury Regional Hospital to expand the geographical area where hospital patients who need long-term care can now be placed;

"Whereas this situation has occurred because there were no long-term-care beds available in the Sudbury region for these patients;

"Whereas patients now face discharge and placement in long-term facilities far from home in"... "Espanola and Manitoulin Island;

"Whereas the redevelopment project at Pioneer Manor has freed up space which could be converted into 30 temporary long-term-care beds;

"Whereas this provides a positive solution to our bed crisis;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the McGuinty government fund 30 temporary long-term-care beds so that no patient is sent far from home for long-term care."

I agree with the petitioners, and I have affixed my signature to this.

ANTI-SMOKING LEGISLATION

Mr. Brad Duguid (Scarborough Centre): I table a petition on behalf of a number of members of the Royal Canadian Legion, submitted to me by a good friend and constituent, Carolyn Fenn. It reads as follows:

"We, the undersigned members of the Royal Canadian Legion in agreement, are against the proposed McGuinty government anti-smoking legislation to be brought forward by the Minister of Health and Long-Term Care, George Smitherman, and our veterans' rights to freedom.

"During wartime, we sent our soldiers cigarettes, and now, 60 years later, our government wants to ban smok-

ing in their private club. We find this very ironic, especially since this was founded by a special act of Parliament to service the needs of our veterans. This is a very special place to the veteran, and different from any other private club, because of their history and role in honouring those who served in this great nation in wartime."

Mr. Phil McNeely (Ottawa-Orléans): "To the Legislative Assembly of Ontario:

"Whereas smoking and exposure to second-hand smoke is the number one preventable killer in Ontario today, and there is overwhelming evidence that retail displays of tobacco products in plain view of children and adults increase the use of tobacco; we have collected 1,350 postcards from our school and community supporting a smoke-free Ontario in 2005 and banning the use of power walls to promote tobacco use.

"We, the undersigned, petition the Legislative Assembly of Ontario to support the Smoke-Free Ontario Act to make all public places and workplaces smoke-free and to ban the use of power walls. The city of Ottawa has been smoke-free since August 2001. All of Ontario deserves clean air."

1530

ANAPHYLACTIC SHOCK

Mr. Kim Craiton (Niagara Falls): My petition is to the Legislative Assembly of Ontario.

"Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I'm pleased to affix my signature to this petition.

NOTICE OF DISSATISFACTION

The Speaker (Hon. Alvin Curling): Pursuant to standing order 37(a), the member for Timmins-James Bay has given notice of his dissatisfaction with the answer to his question given by the Minister of Natural Resources concerning mill closure. The matter will be debated today at 6 pm.

BUSINESS OF THE HOUSE

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Pursuant to standing order 55, I

rise to give the House notice of the business for next week. On Monday, February 21, we will be dealing with Bill 164 in the afternoon; on Tuesday, February 22, Bill 167 in the afternoon and Bill 163 in the evening; on Wednesday, February 23, Bill 135 in the afternoon and Bill 167 in the evening; and Thursday, February 24, 2005, is to be confirmed.

ORDERS OF THE DAY

FEDERAL-PROVINCIAL FISCAL POLICIES

POLITIQUES FISCALES FÉDÉRALES-PROVINCIALES

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: I believe we have unanimous consent for the debate this afternoon to proceed as follows: That the time for debate up to 5:50 p.m. shall be split equally among the recognized parties. At the end of that time, the Speaker shall put every question necessary to dispose of the motion, and any recorded division required may be deferred.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent? Agreed.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I move the following: Be it resolved that the Legislative Assembly of Ontario supports efforts to narrow the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province.

What you have before you is a simply worded motion, but it speaks volumes, because it speaks to the ambition that we all share in this House for the people we are privileged to serve. If you embrace diversity and understand that immigration strengthens our society and our economy, then you support this motion. If you want our children to continue their education in high-quality universities, colleges and apprenticeships, then you support this motion. If you want our seniors to be treated with dignity when it comes to health care, home care and nursing home care, then you support this motion. If you care about providing these things here in Ontario and you care about supporting them across the nation, you support this motion.

Parce que cette motion porte sur le renforcement de notre population, elle porte sur le renforcement de notre province pour qu'elle puisse continuer à servir notre pays.

Because this motion is about strengthening our people; it's about strengthening our province so it can continue to serve our country.

We Ontarians are proud Canadians. We're proud to be the economic engine of the country, with 39% of the country's population, accounting for 42% of its GDP. We're proud to be the heart of Canada, the province that

helps fund social programs like health care and higher education in eight other provinces and three territories. We are proud of our traditional role in Confederation. Our province has been commissioned by history to play a leadership role in the continuing evolution of this magnificent country, and we embrace that responsibility.

I was proud to work with the Prime Minister and my provincial and territorial colleagues at the First Ministers' meeting in Ottawa just last September, where together we crafted a new funding agreement for health care for the benefit of all Canadians.

And now our province is working with the federal government to create a new agreement on child care. We understand that some of our provincial counterparts have some reservations about the accountability provisions that the federal government is seeking to impose in return for new funding. We have no such reservations, and we are prepared to move ahead with the child care agreement as soon as possible.

I am pleased to report that Ontario supports a single national securities regulator, because, like the federal government, we believe that is in the best interests of Canadians.

At present, we are also working with the federal government to harmonize the collection of corporate income tax and to strike new agreements on matters ranging from immigration to skills development for our unemployed to offering Ontarians one-stop access to their provincial and federal government services.

I cite these instances of strong co-operation between our two governments because they symbolize my government's desire to work with the federal government in the interests of Ontarians and Canadians and because they provide the real context within which the substance of this motion is best judged.

Ontarians are proud to share the wealth they generate with Canadians so that Canadians everywhere can enjoy quality public services. But there comes a point where, if we do not retain a sufficient amount of our wealth to invest in Ontarians, we compromise our ability to continue building a stronger Ontario and therefore a stronger Canada.

We have come to that point. We find ourselves at a point in Ontario's history when our wealth generators are badly in need of renovation. Our education system needs rebuilding, our transportation network needs investment and our electricity system needs an upgrade, all within the context of a tax system that must be competitive. But our ability to invest in Ontario's future prosperity is compromised by the \$23-billion gap, the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province.

Here in this Legislature, regardless of political stripe, we know that no place has as much going for it as our province, Ontario. But we also know that there is an urgent need for these investments if Ontario is to remain the place to be for years to come. By way of example, Ontario ranks 10th out of 10 provinces when it comes to investment in post-secondary education per capita. Our

universities, colleges and apprenticeships require an investment of \$1.3 billion just to bring Ontario up to the national average. Aren't Ontario families entitled to even the average level of investment in their own universities when they're contributing so much to universities right across this country? If Ontario were treated the same as its provincial counterparts and received a per capita share of the Canada health transfer and the Canada social transfer, we would receive \$1 billion more to fund health care, post-secondary education and social assistance every year.

1540

Here in Ontario we embrace our diversity. We want to welcome and settle new immigrants and integrate them into our economy, but the federal government spends an average of \$819 per immigrant on settlement services in Ontario, compared to \$3,806 per immigrant in Quebec. Isn't an immigrant who lands in Toronto worthy of the same level of support as one who lands in Montreal? Does it make sense that Ontario attracts 54% of the country's immigrants, but just 34% of federal funding for their settlement?

Unemployed Ontarians receive the lowest benefit in Canada: \$5,060 per unemployed person. It's almost three times that amount in Prince Edward Island. If employment insurance benefits were distributed equally according to the number of unemployed persons living in a province, Ontario would have received \$858 million more in employment insurance benefits in 2003-04. The list goes on.

As one editorial put it, "Is it really too much to ask that our immigrants be treated like immigrants in other provinces; that our unemployed be treated like other unemployed Canadians; that our college and university students, our sick people and our citizens on welfare receive as much support from Ottawa as they would if they lived in another province?" If Ontario is the goose that lays the golden egg for the rest of Canada, this \$23-billion gap threatens to stunt the goose's growth, if not strangle it altogether.

To be clear, we are not seeking to eliminate the gap. It is only right for Ontarians, as Canadians, that the lion's share of that \$23 billion should go to benefit our less wealthy provinces and territories. We only seek to reduce the size of the gap so we can invest in the things that will create the prosperity that Ontario deserves, the prosperity that Canada counts on.

This last point is very important. Like my fellow Ontarians, I am a proud Canadian. I grew up in the shadow of the Peace Tower, the son of a francophone mother and an anglophone father. Growing up with nine brothers and sisters, we had everything we needed because we had each other, we had opportunity and we had Canada. I would never sacrifice my country, but I will always stand up for my province because my country depends on it.

So I say to my colleagues in this House, I hope you will join me in working to narrow the \$23-billion gap, because I know you love our province and our country. After all, you chose public service. I ask our fellow

Ontarians on Parliament Hill to join us in our effort. I say to them, we are striving to work with you on so many fronts.

This motion doesn't change that. It's not about drawing jurisdictional lines in the sand or attacking each other. It's about working together to attack Ontario's challenges.

As elected representatives from Ontario, we share a special privilege and we shoulder a unique responsibility. It is our privilege to live in the best province in the best country in the world. It's our responsibility to ensure that our children can say the same thing years from now.

When we vote for this motion, we affirm our willingness to accept that responsibility, to leave future generations a legacy that is without compare: a prosperous Ontario and a strong Canada.

Thank you very much.

The Acting Speaker (Mr. Joseph N. Tascona): Further debate?

Mr. Robert W. Runciman (Leader of the Opposition): I appreciate the opportunity to lead off the debate on behalf of the official opposition, the Progressive Conservative Party of Ontario. I want to indicate at the outset that the official opposition will be supporting the resolution. I say that for a couple of reasons. One, it has been the position of our party and certainly of our current leader, Mr. Tory, for some years. And I want to draw attention to the fact that less than five short years ago the Progressive Conservative Party, when in government, tabled a somewhat similar resolution before the House. Unlike the official opposition of that time, I think we are acting responsibly in putting the interests of the province and the country first and not playing politics.

If you reflect back to April 2004, in a somewhat similar resolution moved by the Honourable Michael D. Harris, the Premier of the day, expressing many of the concerns Premier McGuinty has outlined today, one of the people voting nay on that list was Mr. McGuinty himself. I can go over it: Mr. McGuinty, David Levac, David Caplan, Monte Kwinter, Michael Bryant, Gerard Kennedy, David Ramsay, Gerry Phillips, Richard Patten, Leona Dombrowsky, Mike Colle, Jean-Marc Lalonde.

I think the people of Ontario should be aware of the history related to this issue, as well as listening to the good words of the Premier today, and what we're going to believe is a sincere view of the current fiscal arrangements and his clear desire to see some change occur in the near future. That's something for which we've been pressing for some time.

I mentioned earlier this week that the Premier has become the Amelia Earhart of Ontario politics, constantly changing direction but not finding a place to land. This is another indication. The government has been in office for about a year and a half, and all of a sudden we're hearing concerns about the fiscal arrangements on the national level. Why is that? It certainly wasn't part of the Liberal platform when they ran for election in 2003. It wasn't part of the throne speech. It wasn't part of the budget. All of a sudden, we're now hearing from the Premier and the Minister of Finance about how badly we are being treated

by their federal brethren in the great city of Ottawa. I think some people in this province and some people in this assembly have a right to be somewhat cynical about what's happening here.

We're going to take it on its face and support the resolution, but I think the government's actions and lack of a plan in a whole range of areas across government to date are cause for concern and certainly cause for questioning the motivation behind the resolution tabled and being debated here today.

I want to put on the record some excerpts from an open letter written by the leader of the Progressive Conservative Party of Ontario, Mr. John Tory, to the Premier, dated February 16. I'll just read a couple of paragraphs. This is Mr. Tory:

"I have been talking consistently for the past two years about the need for broader reform of overall federal-provincial financial arrangements. Many of these have evolved as governments have changed and as the country itself has changed, but we have not taken a thoughtful, deliberate overall look at the entire picture and whether it is presently working in the best interests of all Canadians.

"I"—John Tory—"have been making the case over the two-year period that the current regime is not working for all Canadians. To take one simple example, taxpayers (of which there is only one group) must wonder how a huge surplus of their money could arise at one level of government while other levels of government are struggling to provide services to those very same taxpayers.

1550

"Consequently, I support the notion that Ontarians and other provinces are in need of new, more equitable and realistic arrangements with respect to the country's overall finances, but I fail to see how your confrontational approach will reap the desired rewards.

"Premier, if your recent comments toward the federal government are genuine and not just politics of diversion, I urge you to start working with the first ministers in order to reform and review federal-provincial finances to ensure the utmost fairness for all Ontarians and Canadians....

"In my view, continuing with your current policy of demanding one-time grants from an existing federal surplus will not achieve this end. It is not the result of any plan or proposed reform to federal-provincial-municipal finances, which would provide real, long-term solutions....

"It is time that Ontario re-assert itself as a leader in Canada, and assume a prominent role in ensuring equity and fairness for Ontarians and for people across the entire nation."

Those are the words of Mr. John Tory, the leader of the Progressive Conservative Party of Ontario, someone who has been speaking out on this issue, as leaders of this party have been doing for a number of years. Mr. Tory raises the issue of the politics of deflection.

Hon. Greg Sorbara (Minister of Finance): Politics of what?

Mr. Runciman: The politics of deflection—deflecting attention away from the very serious issues that are facing you, facing the government, facing all of us, especially in the health care sector. We've seen a range of diversionary tactics over the past year or so, whether it's pit bull legislation, sushi, bring-your-own-wine or film censorship. We have to wonder what the motivation is behind all of these initiatives in their attempts to distract the attention of Ontarians away from the very serious challenges we're facing, primarily in the health care sector, at a time when the hospitals are laying off people and closing down beds. We just heard about St. Joe's in London closing its emergency ward for specific hours—Humber, Peterborough: Those are significant concerns that the government doesn't want to address or is trying to distract attention from by a variety of initiatives. One has to wonder about the resolution here today, whether indeed it is real.

Of course, we also know that this arose with some revelations with respect to the deficit. The deficit, we're advised, may now be approximately three times the estimate included in the budget: two point something billion dollars. We're now told it may be in the neighbourhood of \$6 billion. If that is indeed the case, it's because the Minister of Finance counted revenue that he will not be receiving until 2048.

But there is a whole range of things. Severance: The government is now spending \$91 million to fire nurses; 776 I think it is. That's \$91 million being used to compensate for the firing of nurses across the province. We do not know what the implications are going to be with respect to the district health councils or with the CCACs in severance costs.

Those are all significant challenges that will have to be met and dealt with. Again, there is an effort at real avoidance and an effort to camouflage some of the real problems that are facing this government and by default facing the people of Ontario.

Although it doesn't specify in his resolution, the Premier made some comments to the media—I think in a press scrum going into the caucus meeting the other day—that a good starting point for monies to be transferred back from the federal surplus was \$5 billion. We'd like to see the rationale for that. We'd like to see a breakdown for that. We'd like to see the justification for that. It has to be looked at in light of other transfers to the province. I know that some of the provinces have mentioned transfers to the auto industry, for example. They have to be balanced. You have to look at the total picture. We want to look at the total picture, whether we can agree with any specific figure or not-specific figure.

It's an indicator of this Premier and this government operating by the seat of their pants. This is writing something out on a napkin, coming up with a figure as you go into a caucus meeting without any specifics to back it up, without any rationale to back it up. I don't think that stands our government or our province in good stead when you're entering into these kinds of negotiations.

You have to wonder what the federal Liberal government is thinking about their so-called friends here at Queen's Park and talking about a new relationship. As I said the other day, the Premier drank the Kool-Aid and now fed-bashing is in vogue. After the unprecedented \$800 million dollars in additional revenues transferred by the Liberal government to assist you in funding health care, you brought in the largest tax increase in the history of the province—\$2.4 billion—supposedly to fund health care, and now you're crying poor. You're increasing taxes. You're increasing all sorts of costs. You've had increased transfers from your friends in Ottawa, yet you're chastising them, denigrating them, bad-mouthing them, at every opportunity and trying to wrap yourself in the flag as the protectors of Ontario, although only a little over four years ago when we tried to make the case for an additional new system of financing arrangements across the country, all of you who were here at that time stood up and spoke against and voted against that resolution. So it makes one pause, to say the least, with respect to this and with respect to wondering about the impact this is having on the federal government, especially when they see some of the initiatives being taken by Mr. McGuinty and his colleagues.

One that we've also mentioned is this \$400-million announcement in Windsor for a palace, a five-star hotel. People want hospital beds, not improved room service. That's simply because of two Liberals in that riding. Two weeks before the announcement, the Windsor Star said that it's time for Dwight Duncan and Sandra Pupatello to bring home the bacon. So they brought home the bacon. They say, "Well, this is arm's-length. We had nothing to do with it." Who was standing there at the announcement? Who was holding the picture of the new facility? Dwight Duncan and Sandra Pupatello. This is tawdry politics, pork-barrel politics at its worst, at a time when hospitals are suffering and we do not have a deal with the doctors. We had a walkout of doctors for the first time in 20 years. We're having nurses being fired.

When the president of the OMA heard about this Windsor casino investment, he said that he was "flabbergasted."

"Half the people in Windsor and Essex county can't even get a family doctor. To improve access to a casino instead of hospitals, nurses and doctors, well, it's not like me to be speechless, but it takes my breath away."

That was from John Rapin, the head of the Ontario Medical Association.

It should take the breath away of every person in this province who is concerned about the state of our health care system, and I suspect it takes away the breath of Prime Minister Paul Martin when he reads about Mr. McGuinty criticizing him for not giving them enough: "We're not getting enough of that pie, Mr. Prime Minister." At the same time, we have \$400 million to keep a couple of Liberal MPPs happy and to ensure that they can get re-elected. We have that money.

So there's a whole range of inconsistencies, to be very polite, with respect to this government.

We're going to support the resolution. We think it's time, well overdue, that there was a review of the fiscal arrangements. Our leader has called for it. Our former Premier, Michael Harris, called for it, without the support of the Liberal Party of Ontario at that time.

We do, I have to say, suspect the motivation behind this and the sincerity behind this, but regardless of that, this is a need. There's a real need for a review and a restructuring of the arrangements, and at the end of the day, we will stand in support of the resolution.

1600

Mr. Michael Prue (Beaches—East York): I listened to the Premier quite intently, and he said this was a very simple motion. I beg to differ. This is not a simple motion.

For the record, I'd like to read it out and explain why it's not simple. It says, "that the Legislative Assembly of Ontario supports efforts to narrow the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province."

Right away, there is a dichotomy if you look at it. It is the money that is collected from the 13 million people of this province, individuals, versus what is returned to the province i.e., the government of this province, to use for individuals. It is a complex matter and it is a difficult matter, and I want everyone to understand that at the beginning.

Having said that, I think we have to start off with the presumption of whether or not we support this province. I don't think any member of this Legislature will stand up and say we do not support this province. But I, as an individual, have to tell you, I am very proud to come from East York. I am very proud to represent the people of Beaches—East York. I am very proud to be an Ontarian, but first and foremost, I am proudest to be a Canadian. When you take that away, if you take away your pride in the country, then something is lacking.

I want to tell you that everything we do in this Legislature should not only support and strengthen this province, it should support and strengthen this country. It should support and strengthen the people who live in our communities, be they big or small, in this province.

When you look at who our true national heroes are, who are our national heroes? We just had a TV program—you probably saw some of it. Who are the national heroes who were remembered? Sir John A. Macdonald for building the railroad and uniting the country from sea to sea. We had Lester Pearson, who brought us a flag in very difficult times and in minority Parliaments, among a number of other very good measures. We had Tommy Douglas, the father of medicare, who pioneered it in his own province and saw it come to life for every Canadian across this country. We had Pierre Elliott Trudeau, who brought us a Constitution. These were all people who united and spoke passionately for all Canadians, not passionately for their province or city but for all Canadians.

I want us, as a province and as a government, to do the same thing, because I don't believe that division in any of

its forms is good for this country. We, as Canadians and as Ontarians, look in despair when we hear some separatists in Quebec talking about breaking away and forming another country or that they're not getting a fair share in Confederation. We look in despair and anger when we hear the Premier of Alberta or people from that province talk in similar terms about Alberta not getting a fair share and potentially breaking away from the country. We look in despair when we hear people in British Columbia occasionally say the same thing.

We ought not to be talking in any way to weaken this country, and we should be very careful in what we are asking the federal government. We should be very careful in saying we want more if the taking of that money will result in a weaker federal government and a weaker Canada, of which we are all so proud.

We have been blessed in this Ontario—absolutely blessed since Confederation. In 1867, the real money in this country was not in Ontario. The real money in this country was in Nova Scotia and New Brunswick. The real money was on the east coast. Those people thought long and hard about joining Confederation and in their wisdom decided to do so. They had an option—actually two of them. They could have stuck it out themselves—they were very prosperous—or they could have joined the United States. They thought long and hard before joining Canada.

But we have been blessed. Since Confederation, most of the money, most of the power, most of the authority and most of the population have come to this province. As a result, we have been blessed by the people, the resources, the money and the laws to build Ontario. It is the powerhouse of this country. We have never done this in a begging way, but we have done it with innovation; we have done it with daring. I do not want what is being done here today to be seen as the people of Ontario begging the federal government for more. I do not want to see this as some Dickensian character saying, "What do you want? More." What we are saying is that we want something that is fair.

But what we want for ourselves we should want for every other Canadian and every other province, because let me tell you, I believe they are all in the same boat. We have taken these federal policies and we have built this province: the federal policies around the auto trade, the federal policies around manufacturing, about protecting Canadian industries, about the mines, about agriculture. We have taken those and we have built a great province. At the same time, we have seen it as our duty and our privilege and our right to give back at least as much, if not more, than what we have taken out of Confederation.

Is something wrong today? I will tell you that something is very wrong when a federal government can have successive budget surpluses in the tens of billions of dollars—whether it be \$8 billion or \$9 billion or \$10 billion, or this year probably \$11 billion—year after year run those surpluses and see provincial governments and municipal governments not able to make ends meet, with the exception of Alberta, which is blessed with huge oil

revenues. With the exception of that province, every other province in this Confederation is running a deficit.

There is a very good reason why we are all running deficits. That is because the responsibilities set out under the British North America Act and now our Constitution are becoming more and more social. The money that it costs for education, the money that it costs for health care, the money that it costs for secondary school or tertiary education, the money that it costs for the environment and all of those things that are within the purview and responsibility of the provinces have escalated in costs. The same cannot be said for the costs borne by the federal government, be they the post office or national defence. Those costs, in fact, have declined over the years.

So we now see an imbalance. That imbalance needs to be looked at, and it needs to be remedied. But I am reluctant, given the arguments of the Premier, to say—I'm not reluctant with the motion but with the arguments of the last few days, that we in Ontario need \$5 billion, that we in Ontario need this money because we give \$38 billion more to the federal government than we get back, or some number that I don't even know where it comes from. Do we need \$5 billion? Probably. Would we spend it wisely? Probably more wisely than some of the money that's been spent in Ottawa. But can we expect to get \$5 billion alone and in isolation because Ontario says it needs the money? I think that this is a difficult problem and that we ought not—ought not—as Canadians, as proud Ontarians, to simply ask for that money.

If the argument is accepted as put forward by the Premier, what is to stop a city like the city of Toronto from saying to this province, "We send \$9 billion to the provincial government and we get \$4 billion back in services"? What is to stop the city of Toronto from saying the exact same thing: "We want \$5 billion from the province, because we are giving far more to you than what we are getting ourselves"? As a person who lives in this city, I reject that argument, just as you should reject the argument as put forward by the Premier.

The request is a justified request. The argument being made that we give more and should get it back is not one which can be sustained in the long term, because the argument works equally as well the other way, when it comes to the municipalities of this province. If we do so, I think it's flawed. I think it negates our history, and it negates who we are as Canadians and as Ontarians.

Do we need that money? Yes, we do. The question is, how do we get it? I would suggest we should do it in a sane and rational and Canadian way, the way we have done it in the past and the way that has been proven to work. It was some 20 years ago that the provincial Premiers of this country sat down with the Prime Minister at that time, Pierre Elliott Trudeau, and negotiated new cost-sharing arrangements. They sat down and they talked about tax points. Now that's not a really sexy thing to talk about, and probably many Canadians won't understand it. But in a nutshell, all that happened is that the federal government reduced the amount of taxes it

collected by 1%, and 1% was divided equally on a per capita basis with the provincial people. At that point, the federal government spent less, the provincial government spent more, the taxpayers spent the same, and it was understood that this was going to resolve the difficulties.

1610

That same process needs to be done again today. That same process needs to be looked at. We need to sit down with the federal government, not just Ontario but all 10 provinces and three territories, to talk about a sane and rational way to lower the \$11-billion deficit in favour of the provincial governments so that each one of those governments, be it Prince Edward Island, Nova Scotia, Newfoundland, British Columbia—all of them—or be it the three territories, get a portion of that money.

The responsibilities are becoming more and more provincially and territorially related and the monies to go with those responsibilities need to be found. That's what has to happen. I'm not saying that we, as a government, shouldn't be asking for money back, but I am saying that you cannot make the argument that we are paying so much more and therefore deserve \$5 billion. We cannot do that at the expense of any other place. I cannot do it to the poor regions in the Miramichi. I cannot do it to Manitoba. I cannot do it to Saskatchewan. I will not do it to Newfoundland. If we're going to do it, we need to do it together, as Canadians. This has to be a strong country, and we all deserve to share in its prosperity.

When we do that, we will also be in a very strong position to deal with the municipalities of this province. We know that municipalities, even strong ones like Mississauga, that for years and years have not had any debts, that for years and years have been able to hold the line on taxes, can no longer do so because of downloading and because they too have new responsibilities that they never had before.

When we negotiate with the federal government for tax points, we have to be prepared at the same time to negotiate and to deal fairly with the municipalities of this province. Just as much as this province needs more money for worthwhile goals like education, for hospitals, for our children, for daycare, the municipalities need it for what is happening here. You only have to travel around this great city or you only have to go to Hamilton or to Ottawa to see that the cities are not in the same kind of condition they once were. You see potholes, garbage, all kinds of problems that you never saw before. We, as Ontarians, need to address this, and we need, if we are to get some money here in this province, to ensure that monies flow just as equally and probably at the same time to our municipalities. If the argument being made is good for us, then we have to accept that the argument being made by the cities will also be good for them.

We are at a pivotal point here in our history. We are at a pivotal point when we, as a people, have to decide, is the Confederation working the way it should? Do we need to strengthen the federal government by allowing them to keep the monies they have? Are the services being provided for them the key services that the people

want and need, or are the services better given over to the provinces, better given over to the municipalities? If that is the decision we make rationally as a province, rationally in the municipalities, rationally in the federal government, then I think it's quite clear that we are going to have to redistribute that tax revenue.

I say it knowing full well that if, as Canadians, we choose in the long term to negate or to lessen the power of the federal government, we run the risk of negating and lessening the power of this great country we call Canada. If we stop saying, "We want more," or "We want our fair share," and say, rather, "What is going to work? What is in the best interests of the people of this province? What is in the best interests of this country?" we will come to the sane and rational decision that too much money is being collected by Ottawa and too little money is being collected by the province of Ontario and the other nine provinces, the three territories and the thousands of municipalities across this country. If that is the sane and rational decision we come to, then we need to come to it all together. I do not want to go this alone.

I will vote for this motion—perhaps; I want to hear some more speeches—if, in the end, we go together, if the Premier commits to sit down with the other provinces and come up with a solution that benefits all Canadians. I will not agree if it is simply that Ontario is going to ask for more. We have been blessed within this Confederation. We have a wonderful province. We are dynamic. We have skills and abilities. If we need to come at it a different way, I will come at it a different way, rather than do what I think would be destructive to the people of this country.

That's all I have to say. I hope my words have been listened to. I'm thankful that no one has heckled me. Let's go on and let's do it, but let's do it together. Let's involve every province. Let's involve every citizen in a national discussion of where their money would best be spent.

Mr. Khalil Ramal (London-Fanshawe): I'm privileged, as always, to stand up to speak and represent my riding of London-Fanshawe and the people of this province.

I listened to the Premier when he was talking about his motion, addressing the province about the logic behind this motion. It's very important, before I start to speak, to state some numbers.

In 2004-05, Ontarians will contribute \$23 billion more to the federal revenues than we'll get back in the federal spending and in paying our share of interest on the federal debt. Ontarians pay into the federal revenues \$84.9 billion every year. Federal spending in Ontario is \$48.5 billion every year and Ontarians' share of interest on the federal debt is \$13.5 billion. The gap: \$23 billion.

I just wanted to say those numbers because not many people know those numbers exactly: how much we pay the federal government and how much we receive from the federal government, our share of the interest on the federal debt, and also the gap of \$23 billion.

I was listening carefully to the member from Beaches—East York when he was talking about his logical approach to the situation, for somehow I agree with him on many issues, especially since I'm a person who came from a country that was divided and torn by war, where many religions and many sects were fighting among each other, every group claiming they weren't getting enough of a share from the federal government. It's the same story we're talking about today. Then we had a weak federal government. We had a civil war where people hated each other. Three days ago, we heard about the assassination of the former Prime Minister of Lebanon.

But we go back to the Premier's motion. I believe we are not asking for money. We are asking for fair treatment. I believe we are not asking for money. We are asking the federal government for more investment in this province. It doesn't mean we have to go against Newfoundland or New Brunswick or any other poorer provinces of this country. Our obligation is to strengthen the nation by supporting all the corners of this country, but at the same time, we have to have fair treatment.

1620

I want to give an example about the immigration issue. We, as the province of Ontario, receive only \$819 dollars per every immigrant in the settlement program. In the meantime, Quebecers receive \$3,806 for every immigrant. When you go to any Canadian embassy across the globe, you see two departments: one for Quebec and one for the rest of the country. We're not talking against Quebec. We are saying that we should give the same opportunity to every other province.

In the morning I was talking with an immigration lawyer who was telling me about some kinds of privileges the federal government gives the Quebec government. If you are a person who wants to immigrate to Canada and you have money, you can bring \$400,000 and give it to the Quebec government for five years with no interest. The Quebec government uses the money to support local business people, which is great, which is excellent. I'm not against it. But we, as Ontarians, should have the same right to strengthen our economy, especially when we have a deficit of \$5.6 billion crippling many aspects of our economy and hurting our education structure; when we have a health situation all of us are concerned about, all of us are talking about and all of us are trying to fix; when we have post-secondary education—especially after we received a report from Bob Rae, the former Premier of this province, that told us we need \$1.3 billion to be in balance; when we also have infrastructure problems. Our report says we need \$100 billion dollars to be on the right footing.

That's what we are asking for. We are asking for more investment. We are not asking for money to balance our books. We never asked for that. We, as the province of Ontario, are part of the great nation we call Canada. We are asking for more investment, to be able to pay more, to be able to support our federal government by generating more tax and more revenues.

All of us heard the Premier talking about his initiative, his dialogue, not to create a war with the federal government, not to put down the other provinces, but to work with all the provinces and work with the federal government in order to understand our position, because everyone knows we are the heart of this country in terms of population and in terms of economic growth, especially when we talk about immigration. About 57% of the total of those who immigrate to Canada come to Ontario. At the same time, we receive 34% of total settlement support from the federal government. How are we able to make sure all the people who decided to come to this great province are being looked after? All of us have heard about so many foreign-trained doctors, so many teachers, so many engineers, so many professors, so many nurses, so many pharmacists. All those people who immigrated to this land immigrated on an assumption that they will be trained to be integrated in the system, to be utilized and be a benefit for the system. In the meantime, the federal government wasn't able to give us support, the monetary support or the investment in order to maintain our responsibility for all the people who decided to come to our great province.

In the end, I'm going to support this motion, and I hope, as I heard from all the different parties, that they're going to support it. I think it's a great motion; it's going to be good for the great province of Ontario.

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm very pleased to join this debate and to indicate that I will be supporting this motion. I certainly do support the position that has been taken by the leader of the Ontario PC Party, John Tory, who in his letter to Premier Dalton McGuinty on February 16 stated: "I urge you to start working with the First Ministers in order to reform and review federal-provincial finances to ensure the utmost fairness for all Ontarians and Canadians."

He says: "This meeting must be called in order to begin the process of rebuilding and strengthening our federation and to ensure that taxes paid by Ontarians and, for that matter, by residents of other provinces, make it to the level of government, whether it be federal, provincial or municipal, which is required to deliver services to Canadians in the 21st century."

I would acknowledge and recognize that Ontario has long been the driver of the Canadian economy. We want to ensure that, as Canadians, we will always be in a position where we can make a contribution toward the overall prosperity of our country, because that in turn helps Ontarians. However, at the same time, we need to ensure that there is a viable, long-term series of arrangements in place. We want to ensure the stability of our own economic future and financial viability, as well as that of our country.

It is important that this province assume leadership. We would support that type of initiative, as opposed to a one-time grab for additional money based on the current surplus.

I do need to point out as well that our government, on several occasions, also recognized the need for the

federal government to share more with other provinces, including Ontario. It's interesting. I think it's already been noted that on those occasions we did not have the support of the Liberal government in office today when Mike Harris put forward a similar resolution in 2000. I know that Dwight Duncan did not support it; Sandra Pupatello, Lyn McLeod or Jim Bradley.

In fact, Dalton McGuinty said about Premier Harris: "Once again he plays the blame game when it comes to the federal government. He says that if only the federal government would send the province more money, then things would be better off here."

In many ways, that's just what's happening right now. He goes on to say, "It is time for the Premier and this government to stare into the face of their own economic failings." I do think, in some respects, that's also what's happening here at the present time.

This government made tremendous promises in their election platform. They had a very ambitious spending program. They now recognize that the costing was not accurate. They are facing critical issues in the health system which they are not able to resolve. There are shortages of money; hospitals are short about \$170 million. They are being put in a position where they're laying off nurses. Seven hundred and fifty-seven nurses are going to be fired, despite the fact this government promised to hire 8,000. Hospitals are laying off not just nurses but other professional staff. We've heard about the cuts at the Sick Children's Hospital here in Toronto. The day surgery is going to be closed. I ask, where are those children, the most fragile children in this province, going to go for treatment?

We also have a government that has failed to reach a negotiated conclusion with the doctors in the province of Ontario. So there are many, many challenges that face people in this province. The commitment to improve access to care, to reduce waiting times, is simply not occurring, and I hope that this attempt on the part of the Liberal government and Premier McGuinty is not one to divert attention from their lack of ability to move forward with a plan for health care in this province.

1630

I would also say that if we take a look, the Liberals now have a debt of about \$6 billion. Again, they're trying to divert attention from their lack of fiscal competence. Maybe this is just another attempt to blame the feds and ask for a bailout. But I think, if it's as it appears, an attempt to take a look at equalization and better sharing of surplus revenue, certainly we would support that. We do recognize that Ontario needs a new deal, and the leader of our party certainly does support that.

I guess the concern at the present time is, is this just another diversionary tactic? We know that the Liberals in the province of Ontario are unable to address the issues of concern to people, when it comes to health care, and certainly the media attention on this particular issue takes the focus off the cuts to nurses, doctors, other health professionals and also the fact that hospitals are having to reduce their programs and services.

I will be supporting the motion, but I do have some concern about the motion and whether or not, in reality, it's intended to accomplish the goal of additional money being shared by the provinces and the territories.

Ms. Andrea Horwath (Hamilton East): It's interesting that this initiative came so quickly, really without any prior knowledge that it was coming forward. I took some time to think about it because, over the break that we had not too long ago, I spent some time listening to the CBC. Lo and behold, the particular program I happened to tune in was one of the talk shows the CBC has, discussing this very issue. People were calling from all over the province and all over the country to chime in on this debate, not from the perspective, of course, of Ontario but from the perspective of Newfoundland, because it was the Premier of that province who was on, speaking about his efforts and initiatives to have the federal government recognize the needs of that province in regard to the revenues they could have been gaining from off-shore oil. It was quite interesting to me because he made an extremely cogent argument about the historic situation the province has been in, as well as the concern that, should the federal government begin to address their issues with what they felt was a lack of equal treatment, then it might raise the exact kind of thing that's happening here today: that other provinces would start to indicate that they were not getting a fair shake from the federal government.

When this first came on my radar the other day, I was a little bit concerned, because I thought that the speakers who had been calling in to that radio show were, on balance—certainly not 100%—very sympathetic to the Premier of Newfoundland and very concerned about the ability of all provinces of our great nation to thrive, to do well, to benefit from being part of a strong, united country. So I was pleased in many ways to hear people, in the majority, speaking in favour of the new deal for that province, for the east coast provinces. But I also did hear, unfortunately, some rather high-pitched concerns from some members of the province and some members of the country—actually, some residents of various provinces—who were really not looking at the whole picture, I think.

I know the speakers so far today, from all parties, have taken pains to talk about how important it is for us to look at the situation as holistic; not as "us against them" or "we need and they don't," but rather as a recognition that the federal government, as a result of the decisions that have been made over the last decade or decade and a half in regard to transfer payments and how programs and transfer payments are made across the country, looking at those payments, looking at the way money gets transferred to the individual provinces, as well as for which programs—we've seen that it's the reduction in supports across the country, province by province, that has led to this eventual surplus that the federal government now has.

As you look at that from where we are here, as we've seen over the last decade and a half, the reduction of the

first deficit and now the surplus the federal government has been able to obtain are a direct result of the cutbacks the federal Liberal government has been making, year after year, to the provinces. We've seen that trickle down. Those cutbacks have affected the municipalities, as my colleague Mr. Prue quite adequately indicated. We see that not only do we have crumbling infrastructure across the province, city by city; we also see that poverty has grown enormously, not only in Ontario but across the country. The extent of child poverty, which was supposed to have been addressed, I think, in the year 2000 by the federal government, was not, so we now see continued growing child poverty across the country.

I think it's important to put this entire situation in perspective, because what we have is a situation where the deficit was eradicated and people were hurt by that, both here in Ontario and across the country. We certainly have surpluses now at the federal level, and I think it is appropriate that we take the opportunity to have a look at how those federal surpluses can be redistributed so that not only the people of Ontario but across the country can benefit. It's their dollars and, quite frankly, their pain that created that surplus over the last decade or decade and a half.

With that, I would just like to say that I'm concerned too about the context in which this initiative is being undertaken. I hope it is going to be undertaken in a way we can all feel proud of, not only as people who are sticking up for our province but as people who are concerned about what is happening from coast to coast to coast in this great nation.

Ms. Kathleen O. Wynne (Don Valley West): I'm pleased to rise to speak to the Premier's motion. I think one of the things we need to do is think about how we are framing this conversation. Wanting our fair share as Ontarians is definitely at the core of this. That's a piece of it, but I think the larger issue is that we really want a prosperous country. If we're going to have a prosperous country, then we've got to have a prosperous province.

I want to make an analogy—it's one that I know my constituents are making—and that is, if we want to have a prosperous Ontario, we have to have a prosperous Toronto. I made a statement in the House today to that effect. This government recognizes that if we are going to have a healthy province, we have to have a healthy Toronto, which is the economic engine of the province. That's why the City of Toronto Act, and the review of the City of Toronto Act, is such of an important one for the relationship between us and the city. I think there is a direct parallel between the health of the city influencing the health of the province and the health of this province, Ontario, influencing the health of the country. The difference is that in the case of the relationship between Toronto and Ontario, Ontario is dealing with a structural deficit. In the case of the province dealing with the federal government, the federal government is in the situation where it has a structural surplus. We have to look, I think, at the impact of downloading through the 1990s, both at the provincial to municipal and at the

federal to provincial levels. We have to look at this point in history and say, "OK, what is it we can do to redress those imbalances?" That's the issue we're dealing with right now.

1640

There are people who would say, "Well, why now?" The members of the former government are saying, "Why are you onside with this now? You weren't onside with this X number of years ago." The answer to that has to be that factors have changed. There's a confluence of factors right now that make this the right time, I believe, for the relationship between the federal government and Ontario to change in terms of the net contribution we make. As all the speakers before me from the government have said, that's not to say we're interested in eliminating our contribution. That's not what this conversation is about; it's about narrowing that gap.

To go back to the confluence of factors that I think are at work right now, the federal structural surplus has to be a piece of why the timing is now: the fact that we are in desperate straits in terms of investment in our post-secondary education, our social programs are in trouble, and we are dealing with a structural deficit that is not going to be resolved without further pain to those social investments. We need a different relationship in terms of the flow of money to the federal government.

We've tried, and we are trying, to work with the federal government to put in place a fair labour market development agreement, a fair immigration agreement, a child care agreement. Those are all discussions that are happening that will help the province to be on a sounder footing. We're happy, in fact, to have strings attached to those investments.

I believe that in recent years the reasons it was difficult for the federal government to take seriously the request for funds from the previous government were twofold. First of all, the previous government was dealing with a booming economy and was not dealing with a structural deficit. Second, I don't believe our federal cousins could necessarily trust that the money was going to be put into social programs. I believe the issue was that the federal government knew the previous provincial government wanted those funds so they could continue to cut taxes. That is not a viable reason for continued investment in the province of Ontario, and that's not what we want to do. What we want to do is invest in the people and the prosperity of this province so that we can continue to be the economic engine for the rest of the country.

The Premier used an elegant phrase. He talked about the fact that we've been commissioned by history to stay in this relationship of a net donor to the federal coffers, and we are absolutely committed to doing that.

I speak to a former history teacher in Richmond Hill, Jim Reid. I can remember, in my grade 10 and 11 history classes, that sense of Ontario as the place where wealth was generated to the benefit of the rest of the country. We can talk about the railway. We can talk about how those major national projects were financed and the role

Ontario played in those. I don't think there's anyone in this House who would want to step away from that historical commission we've been given. It's part of our psyche as Ontarians. We are, as the Premier has said, proud Canadians, and part of being a proud Canadian in Ontario has been giving to the rest of the country in terms of those grand national projects. We will continue to do that. We will continue to graduate students who will be the scientists, doctors, teachers and philosophers who will continue to grow this country.

But in order to do that, we have got to make investments now. We're at a critical juncture in the history of our province. If we can't get a handle on this structural deficit, and if we can't forge a new relationship with a federal government that is dealing with a structural surplus—we're not suggesting taking money away from other parts of the country, but we are saying, if we're going to continue making those investments, talk to us now. Help us to deal with our issues around post-secondary education. Help us to deal with our issues around adult education and the fact that we need dollars to invest in the immigrant population that comes to this province. More than 50% of the immigrants in the country come to Ontario, and we need the funds to deal with those immigrants. If we don't have them, then we are at risk in this country of not attracting those people, and we will be in trouble in terms of our demographic, of our workforce, going forward.

So it's at the peril of the country that the federal government and Ontario can't work out a new agreement. I certainly will be working with my federal member, John Godfrey, with whom I have a terrific relationship. I know that the conversation is going to unfold to the benefit of the entire country. That's our goal.

Mr. Frank Klees (Oak Ridges): I'm very pleased to participate in this debate. I find it interesting that this resolution is coming forward under the name of the Premier who, as leader of the official opposition when our government brought a similar resolution forward, would have nothing to do with it. To the person, their caucus voted against it. But here is the consistency. The consistency is that this Liberal Party is being inconsistent. I just question what credibility this resolution will carry with anyone.

I'm not sure, other than for the purpose of a media ploy, why we're even discussing this, because we know this Premier has no credibility with the people of this province. No one believes him. He has no credibility with anyone in Ottawa. All we have to do is speak to members, not of the official opposition in Ottawa, but of the government in Ottawa. There is no one I could find who gives any credence to what this Premier has to say.

Now here we are and he's asking us as members of the Legislature to give him an endorsement for this resolution, which I have no hesitation in doing because it is the right thing to do. We should be narrowing this gap. But there is a credibility gap that really needs to be narrowed, and that's the gap between what this Premier says on one day and does the next. That is the credibility

gap. Somehow, when this Premier gets to the business of narrowing that gap, then I believe we'll start to see some leadership, but I doubt that that will happen until after the next election, and my prediction is it won't be this Premier who will be giving that leadership.

I would like to take the opportunity to share with you an excerpt from a letter that was written to the Premier by John Tory, the leader of the Ontario PC Party, who is engaged now in a by-election, and whom we look forward to having in this House following the election on March 17. It was John Tory who wrote to Dalton McGuinty on February 16, and he makes the following statement in his letter: "I have been talking consistently for the past two years about the need for broader reform of overall federal-provincial financial arrangements. Many of these have evolved as governments have changed and as the country itself has changed, but we have not taken a thoughtful, deliberate overall look at the entire picture and whether it is presently working in the best interests of all Canadians."

1650

John Tory is of the mind that indeed what we are discussing here should happen, but he has also made the point that it's going to take leadership from the province of Ontario to initiate that. Dalton McGuinty is in a position to respond to the letter that Mr. Tory sent him, challenging him to call a meeting of his fellow Premiers and territorial leaders to address this financial imbalance that exists in this country; and then, when he calls that meeting, that he take the necessary steps to ensure that not only is that gap narrowed but—what we are very interested in, as the official opposition, and I'm sure the members of the third party share this with us—when additional funds are in fact transferred to the province of Ontario by the federal government, that they are then used responsibly.

We hear an announcement this week that \$400 million is going to be allocated by this government to build a casino hotel in Windsor. This is at a time when hospitals are closing beds, when nurses are being fired, when we have waiting lists that are longer than ever for important diagnostic services, when we have a doctor shortage, when this government is at an impasse with medical doctors in terms of their contract, when every teacher union in the province has voted strongly in favour of strike votes.

Every single ministry of this government is having problems meeting their budgets. The Minister of Finance is at risk now of being off his supposed commitment to balance the budget. We hear now that what we're on track for is another \$6-billion deficit, strictly the doing of this Minister of Finance.

My concern is that there's a great deal of rhetoric here in this resolution, with very little, if any, substance. The credibility gap lies in comments that this Premier, when he was Leader of the Opposition, would make whenever we spoke about the need to narrow that gap and to bring the federal government to the table. Constantly, there was defence of the federal government at the time.

I want to read into the record, for the purpose of providing some historical context to this gap, the following quote. I'm going to ask you if you can surmise who the author of this quote is. It reads as follows:

"I am part of the problem, not the solution. It was my government that diminished the size of transfer payments. I will not stand here and tell you that the cuts in transfer payments were insignificant. They were not. And I won't tell you that they have not had an impact. They have."

That was Allan Rock, federal member of Parliament, speaking about his own Liberal federal government and the actions that federal government took successively over the years to cut back on transfer payments and to reduce their participation in essential services being delivered to citizens in this province. That's what we're facing.

I will vote in favour of this resolution because it is the right thing to do. I have no confidence that this Premier will be successful. I have even less confidence that any amount of money that we might well receive by way of transfer from the federal government would, in fact, then be used responsibly. We have no evidence that this government has the ability to manage.

I look forward to the opportunity to hold this Premier, this Minister of Health, our Minister of Education accountable for how they're spending taxpayer dollars. We look forward to the people of this province holding them accountable for that same purpose.

Mr. Howard Hampton (Kenora-Rainy River): We are debating today the motion by the Premier. I want to read the motion: "That the Legislative Assembly of Ontario supports efforts to narrow the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province."

I think that most of us acknowledge that there is a gap, a fiscal gap. In fact, many of us who have been around here know that this gap has existed for some time. In fact, this gap has existed for at least the last 15 years, and other governments, other Premiers, have raised this issue and have spoken out on this issue. What I find remarkable, and what I think needs to be read into the record here, is that many members who now form the government, when other Premiers raised these issues and said that there is a fiscal gap and it needs to be addressed, were outraged in their criticism. I just want to note some of those people.

The current finance minister, Greg Sorbara—this is what he said May 17, 1994: "I get so offended by the increasing tendency of governments—municipal, federal, provincial—who are always looking for another level of government to blame."

Then he said, "It's not as if the government in Ottawa, the current one and the previous one, is absolutely without fault, but what always struck me as really unconscionable is for Ontario to be complaining that other governments in Canada were getting more and that Ontario wasn't getting its fair share." That's what the current Minister of Finance said just a few years ago.

In fact, he said, "We had a debate on a resolution to that effect in this Legislature last week, if I recall correctly. I couldn't even be here for the debate or the vote, because I would have been so angry at Bob Rae, once a champion of Canadian unity and Canadian solidarity, whining publicly in this Legislature about what cruel treatment Ottawa had given to Ontario over the course of the past five years, and indeed with the new government in Ottawa." That's what the current Minister of Finance said. When someone raised the issue of fiscal imbalance just 11 years ago, he couldn't scorn them enough; he couldn't ridicule them enough; he couldn't hide his anger, saying it was "unconscionable."

This is something else he said: "I was appalled and embarrassed that an NDP Premier, any Premier in Ontario, could whine and whimper about not getting more from the national government." That is what he said then.

I remember just a few years ago—I didn't agree with most of what the former Conservative government did. But I know that, from time to time, the Minister of Finance or the Minister of Intergovernmental Affairs or the then Premier would raise the issue of the fiscal imbalance with Ottawa, and this is what some of the current cabinet ministers would say.

Minister of Health George Smitherman: "I believe that if members were to talk to their constituents and not be partisan about this, most of their constituents would say that they're tired of governments, provincial and federal, hammering each other with salvo after salvo after salvo and not getting on with the real task of finding improvements in the system." That's what he had to say when somebody raised the issue of fiscal imbalance.

Jim Bradley, now the Minister of Tourism, had this to say: "After the federal budget, we had the solemn face of the Premier and the angry face of the Minister of Finance blathering on about wanting more federal money." The Liberals called it blathering.

1700

This was the Minister of Energy and government House leader, Mr. Duncan: "They like to blame the federal government for this, that or the other thing. They like to imply a whole bunch of things." This was the response.

I want to read the response of the Premier, who brought this motion today: "...once again [the Premier] plays the blame game when it comes to the federal government. He says that if only the federal government would send the province more money, then things would be better off here." Well, it is time for the Premier and this government to stare into the face of their own economic failings. This is what the current Premier said just a few years ago when the former government raised the issue that there was a fiscal imbalance with Ottawa.

Or let me quote again from the current Premier, just a few years ago: "Mike Harris is so obsessed with fed-bashing, he's ignoring the crisis in health care in his own backyard, one largely of his own making." That was the current Premier.

When other governments raised the issue of fiscal imbalance, virtually every member of this McGuinty government cabinet couldn't scorn them enough. They couldn't disparage them enough. They couldn't call them whiners enough. I have to wonder a bit about the sincerity, because what I heard from the current Premier just 18 months ago was that if a Liberal government were elected in Ontario and there were a Liberal government in Ottawa, it would be sweetness and light, it would be motherhood and apple pie, everything would just proceed with such harmony that there would be no issues, no difficulties. In fact, I remember the now Premier, now that he's out there fed-bashing and blaming Paul Martin, just six months ago—not even that—at the federal-provincial health conference. When the current Prime Minister announced that the federal government was going to make available several billion dollars for provincial health care budgets and that at least \$2 billion was going to come to Ontario, the current Premier described the now Prime Minister as visionary, as putting in place a framework that would sustain medicare for the next generation. Even six months ago, the now Premier was completely unaware of this fiscal imbalance; completely unaware of it.

Suddenly, now, after virtually every one of these McGuinty government cabinet ministers has disparaged, has scorned, has literally torn a strip off any Premier who would dare raise this issue in the past, it is critical issue number one on their agenda. I wonder why. I wonder how this could happen in just six months.

Well, let me tell you what has really happened. New Democrats, like every other Ontarian, are in favour of Ontario receiving more money that we can put into health care or education or into our municipalities, into our colleges and universities, money to protect the environment. I'm in favour of that. I'm very much in favour of it. In fact, let's be clear: That's motherhood and apple pie. I'm in favour of that, but I want Ontarians to know what's really happening here, what's really going on, how Dalton McGuinty could go from not seeing the fiscal imbalance as a problem at all just a few short months ago to now seeing it as the critical issue. This is what happened, and it's important for the people of Ontario to understand it.

What this is really all about is that the Provincial Auditor has called the McGuinty government on its Enron-style accounting trick. This government tried, in the same way that Enron and Nortel tried in their accounting tricks, to take credit for revenues which might come to the province five years from now, 10 years from now, 15 years from now, 25 years from now. It tried to take credit for those revenues all in this year's budget: \$3.9 billion worth. I want to remind people that people who participated in that in Enron are going to jail, and people who participated in that kind of budget accounting scheme at Nortel are likely to go to jail, and many of them are being sued for millions of dollars. The McGuinty government tried exactly that kind of accounting trick in this budget and the Provincial Auditor

blew the whistle on them. He said, "You can't pull this \$3.9-billion accounting trick."

So now, after the Provincial Auditor has blown the whistle, suddenly the Premier is looking for a lifeline and he's looking for someone to blame. Thus, the very idea of a fiscal imbalance that this Premier used to scorn, that all these cabinet ministers used to scorn, that they couldn't criticize enough when other governments raised the issue of fiscal imbalance, suddenly, it is like the saviour to this government. This government desperately needs a quick \$5 billion to cover up a problem that it has created.

What this debate is really all about is that Premier McGuinty, in the last election, didn't level with the people of Ontario. He promised people Rolls-Royce health care, Rolls-Royce education, Rolls-Royce financing for municipalities, but then at the same time he said, "Oh, but we can have those low, low Louisiana-style taxes." Anyone who thinks about it for a minute knows you can't have billions to put into health care, you can't have billions to put into education, you can't have billions to transfer to municipalities, you can't have billions for colleges and universities and you can't have money for the environment and still have Louisiana-style taxes. There is a big gap there; a multi-billion-dollar gap.

Dalton McGuinty went through a whole election campaign pretending that didn't happen. Now the chickens have come home to roost and the gap is becoming very apparent. So he is desperately looking for someone else to blame. If you think about it, over the last six or seven months, gee, the former government has been blamed. They had some sins, and I probably criticized them more than anybody. But the former government has been blamed, doctors have been blamed, teachers have been blamed. Now Nova Scotia has been blamed, Newfoundlanders are being blamed, and even the person that the Premier described as visionary six months ago, Paul Martin, is suddenly a bum, a grinch. He's somehow responsible for the McGuinty government's difficulties. That's what is going on here.

This government has gotten themselves into this financial jam. Yes, it's a financial jam. It's becoming a health care jam. It's becoming an education problem. It's becoming a problem with municipalities that don't have the money to provide the services that they need to provide. It has become a real problem. But this isn't something that Paul Martin created. This isn't something that Newfoundland created or Nova Scotia created. There has been a fiscal imbalance for a long time. Dalton McGuinty used to scorn people who mentioned that fiscal imbalance, but now that he's desperate, he is going to embrace the concept of fiscal imbalance and say that something needs to be done about it right now.

I think it's time for the Premier to be straight with the people of Ontario. I want a better fiscal deal for Ontario. I want a better fiscal deal for other provinces as well. But let's be clear. This is not the source of the McGuinty government's problem. The source of the McGuinty government's problem is their failure to level, to be straight with the people of Ontario in the last election. To

tell people that on one hand you can have the best health care, the best education, the best colleges and universities and the best-financed municipalities, but on the other you can have Louisiana-style taxes—that is the root of the problem.

1710

I simply wonder when we're going to see an actual plan. This is a panic attack for a bailout, but we still don't see a plan. We don't see a plan for better health care. We don't see a plan for more nurses. We don't see a plan for our schools and our children's education. We don't see a plan for colleges and universities.

I was embarrassed for them yesterday when they stood up and tried to say that a draft regulation on air conditioners was their Kyoto plan. I was embarrassed. I couldn't believe it. It wasn't even a real regulation. It was a draft regulation, a virtual regulation, a cyber-regulation—not the real thing. I was embarrassed for them.

That's the question the people of Ontario are asking: Where is the plan?

I want to deal with the credibility gap of one Dalton McGuinty, because that's the heart of the problem now: It's the gap between the unending list of promises made by Dalton McGuinty and the reality that people are now seeing every day. Public services are not improving, health care is not improving, education is not improving, and the financing of municipalities is not improving. That's the gap, and that's the reality that far too many Ontarians are having to face in their daily lives. Far too many people are saying, "Where's the plan?"

One of these realities is that there are far too many children in Ontario who are living in poverty. All of the experts on the subject agree that one simple step on the part of the McGuinty government would go a long way toward improving things for many of these poor children: eliminate the clawback on the national child benefit—something that Dalton McGuinty promised to do. You've got to admit, you can't blame Ottawa for that. In fact, that new-found grinch, Paul Martin, actually sends the money to deal with this serious problem to Ontario every month, but instead of using this money to deal with child poverty, the McGuinty government pockets that money. It takes it out of the hands of poor children and pockets that money itself. Do you want to fix that problem? End your clawback of the national child benefit. I should say that New Democrats put forward a motion before the finance committee to do that. The very McGuinty government members who are now crying about the fiscal gap refused to vote for that amendment. In fact, they voted it down.

Let me give you another example. Premier McGuinty promised that the government would invest \$300 million in new provincial money to benefit 330,000 Ontario children with better child care. We checked with some Ontario child care experts, and it turns out that not one penny of new provincial money has gone into regulated child care in this province—not one penny. The government promised \$300 million. Where is it? The least you could do is allocate \$100 million toward that goal in the

coming budget to get partway there. But once again, that motion was before government members in the finance committee, and they voted that down too.

Do you know what's really happening here? Do you know the real result of this credibility gap? People actually hoped that the McGuinty government would be different, but in fact people are becoming very disappointed.

Here's an example from today: I remember the holier-than-thou sanctimony when this government brought in their act to outlaw partisan advertising by the government. You read the section of the bill, and it says, "No picture of the cabinet minister; no name of the cabinet minister; no signature of the cabinet minister." Then what do we see today? After the act was passed by this Legislature, what do we see? This government engaging in exactly that: the same disgraceful partisan advertising that they were so holier than thou in condemning, so sanctimonious in condemning. Here they're doing it themselves. Do you know what their excuse is? Their excuse is that they haven't proclaimed the bill into law yet. Parliament passed it. Do you mean that now, through your own act of omission, you want to leave the door open so you can engage in the same kind of partisan advertising you so sanctimoniously condemned? That's why people are becoming disappointed. That's why people are saying, "Where's the plan?"

I'm serious about this. As I said, all Ontarians would like to see more money coming for health care, more money for education, more money to protect the environment, more money to lift children out of poverty, and more money for our colleges and universities. We'd like to see that. We need to see some money for farmers. We need to see some money in an investment strategy for the forest industry in northern Ontario, which is being hurt by this government's policy of constantly raising electricity prices but having no economic or investment strategy for the forest industry. We need to address the needs of farmers. We need to address the needs of First Nations that have been so long overlooked.

But we need to recognize that that's not what's here today. What's here today is a Premier who used to scorn the idea of a fiscal imbalance, who used to heap cynicism on other Premiers who raised the issue of a fiscal imbalance, and now he's trying to save his own skin because he wouldn't level with people in the last election.

I want to present an amendment to the motion.

I move that the motion be amended by inserting after the words "returns to this province" the following: "and that this money be targeted for the hiring of 3,000 nurses, a 3% increase in Ontario Works and Ontario disability support plan benefits, an end to the clawback of the national child benefit, and \$100 million of new funding for Ontario's regulated, non-profit child care system."

That is the amendment I move so that we can actually see some of this money, if it ever arrives, go to what it was promised for.

Mr. Kevin Daniel Flynn (Oakville): I'm here to speak on behalf of the people of Oakville who, as you know, are proud Ontarians, like all the people of Ontario

who are represented by other members around the House. They're also very proud Canadians.

When you think of Ontario as the economic engine of our country, it's a province that's consistently been a net contributor to Confederation. If you put it in very simple terms, if Ontario is successful, then it follows that Canada will be successful as well. In supporting the resolution that was put forward today by our Premier, you're supporting the continued success of both our province and our country.

What the resolution calls for is that this Legislative Assembly support efforts that would narrow the \$23-billion gap that exists between the amount of money that is currently collected by the federal government and the amount that is actually reinvested in our province. What we need in this province is a process to be undertaken in conjunction with all the other provinces and our federal partners, and we need to re-examine the fiscal imbalance that currently exists and begin to narrow that \$23-billion gap.

As the economic engine that drives Canada's economy, Ontario is also home to a very strong manufacturing base. It's got a wealth of natural resources. It's got a strong and growing auto sector that's extremely important to my community of Oakville. It's got a world-renowned financial sector.

The men and women of Ontario are proud Canadians. They're hard workers. They pay their federal taxes. It's a country we embrace with pride, and we're proud to be a province within that country.

1720

It's time to re-examine the current financial arrangements with a view to securing federal reinvestment in such items as quality child care, which is an issue that is so important to the working families of this province. Also, such items as investment in post-secondary education should be of prime importance. It's of prime importance to our young people and the future of our economy. We know that skills training and education are vitally important to securing the investment that creates the well-paying, secure and long-term jobs that we want in our province.

Our review of the current funding arrangement with our federal and provincial partners, and a new arrangement that looks at the \$23-billion gap, will allow more investment in better post-secondary funding, which is not only good for Ontario's young people but is good for Ontario's employers, is good for the economy of Ontario and is also good for the economy of Canada.

Last summer we learned that Ontario suffers about a \$100-billion gap in infrastructure funding. It's the infrastructure we need that provides clean drinking water, treats our wastes, and provides transit and transportation for our communities. Every level of government understands how important adequate and well-maintained infrastructure is to attracting investment to our province and to our country.

Our country depends on skilled and hardworking immigrants from all over the world to choose Ontario as

a new home for a better life for themselves and their families. Over the last three years, Ontario received about 134,000 new immigrants. The province of Quebec, by comparison, received just over 38,000 in that same period. Yet the current funding formula that we have with the federal government allows Quebec immigrants to receive approximately \$4,000 each for settlement purposes, while the same immigrant or immigrant family in Ontario receives only about \$800 per person.

What we need is to re-examine the funding formula that has helped to make our province strong and our country strong, but we need to re-examine it, I think, with a view to allowing Ontario to continue to make this a strong country. There are three provinces that are net contributors—Alberta, British Columbia and Ontario—and the more provinces that become net contributors, the stronger our economy becomes, the stronger our country becomes, and the stronger the Ontario economy becomes as a result of membership in Confederation.

I believe the points put forward by the Premier to date have been points that have been quite well received by the majority of Ontarians. It was very heartening to hear the comments from members of the opposition in support of the Premier's resolution. I think they expressed their concerns adequately, I think they expressed their concerns honestly, and I think their support at the end of the day is something that is going to serve all Ontarians well in a very non-partisan way. For this type of issue, we need to approach it. This is for the entire province, for the future of our country, for the future of young people who we know need more investment in things like post-secondary education.

We know that the best education secures the best jobs. We know that jurisdictions that have good education systems attract investment not only from within that country and that jurisdiction, but also from the international community. We've developed, I think, a reputation as a province and a country that should be invested in. In order to maintain that, we need to maintain the type of investment that has led us to that place in the first place. I think we're starting to fall behind as a province with the funding arrangement we have currently with our federal cousins in Ottawa.

In summary, I think Ontario citizens have always done their part, and want to continue to do so as a member of this great country. We're asking to keep more of Ontarians' money right here in Ontario. We want that money to develop child care. We want it to build infrastructure. We want it to invest in post-secondary education. By doing that, it can only help, as I said previously, to not only strengthen our country but to strengthen our province.

Mr. John O'Toole (Durham): It's a pleasure to respond to the government's notice of motion. I want to be very clear, because I'll only be speaking for a few minutes, but there is a very important point to be made here: I'm quite suspicious about this motion.

I recall when Dalton McGuinty was sitting over here in the third or fourth row—actually, he got to be leader

by mistake at about 2 in the morning. Quite honestly, I thought Gerard Kennedy would have been a better leader, that it would move further to the left and leave more room for us in the centre.

But I really want to make the point here: Why I'm suspicious about this is that they've said a lot of things in response to polls, but they don't do it. That's the legacy. There's a bit of a pattern developing here, as they'll say one thing and do quite another. So I'm suspicious.

I've read articles, and these articles all lead in a certain direction. In fact, the conversation in the paper this morning about his brother, and his brother's conversations with his boss—I think ultimately you can cut to the chase here. Do you know what this is about, Mr. Speaker? I'd like you to pay attention here. This is a very good point I'm making. I believe what they're doing is—he's outraged about the transfer payment of \$23 billion, as was Bob Rae in 1993, as was Mike Harris. He was accusing Harris and Eves of fed-bashing.

Mr. Jeff Leal (Peterborough): Who did that?

Mr. O'Toole: Dalton did, of course.

Here's the point: I think at the end of the day, what he's trying to do—and this is the suspicion I have. It may be the Grassy Knoll theory at work here but it's this: He's going to be outraged, but he already knows that Chrétien knows he's suffering in the polls because of no plan, no vision and mismanagement. He needs some help. So it's like Danny Williams. Eventually Chrétien or, pardon me, Martin is going to bail him out in the budget and he's going to say, "Here is an extra couple of hundred million or a billion or whatever it is into the big black hole of Liberal spending." Quite honestly, it's going to look like Dalton won again, but here's the evidence; here's the history. You should always learn from history or you're doomed to repeat it.

Do you recall, any of you who are still listening or awake here, earlier on when Dalton went as the new chair of the provincial leadership group and they got the new health accord?

Mr. Leal: Great job.

Mr. O'Toole: Dalton did a great job, didn't he? How is health care? Isn't he asking for more? You say it's a great job? Are you paying attention to what's going on here? He did a miserable job, and now he's admitting he did a miserable job. That's what he's doing. He's saying, "I failed back in the big, successful health accord." Think about it. Why is he back? Health care is 50 cents on all the dollars. Such a great victory? Obviously he's admitting it wasn't a victory right now. You've got to admit and concede that at least.

But, you know, there's another plan. I have a lot of respect for Minister Bountrogianni. In fact, she's more of a Conservative, and she belongs over here more, but the fact is that she's a kind-hearted, intelligent person. She knows the national daycare program. She wants it. She's a psychologist. She knows about it. The Liberals in Ottawa are going to give you one-time funding. They've got a \$5-billion pot for a national daycare program. That

won't cover the cost for Ontario. She knows it and that's why she didn't sign the agreement.

Mr. Mike Colle (Eglinton-Lawrence): Ken Dryden is going to look after that.

Mr. O'Toole: Yes, well, he'll probably go back and play goal for the Leafs or something. But here's the point: You can't trust them federally; you can't trust them provincially. They've broken all the promises. They've raised the taxes. They've failed in health care. They've failed in education. They've got the Toronto schools falling apart. I don't know.

But there's another part to all this: the surplus in Ottawa. Yes, it is attributed to the strong economy of Ontario. You've got to recognize that the economy of Ontario is strong because of the policies put in place by Mike Harris and Ernie Eves. There are lots of things they didn't do right, but they had the numbers right. One of the surpluses—and Minister Kwinter would know this as well; he's been here long enough to know—one of the large surpluses in Ottawa that's seldom talked about is the EI fund. The heavy-manufacturing base in Ontario is 50% of the economy. Some 50% of that \$4-billion surplus in the EI fund is Ontario's—hard-working employers' and employees' money. Think about it. Can you trust a Liberal? What have they done to you lately?

This motion is a charade, and I ask you to pay attention. I'll be supporting it because it's the right thing to do.

1730

Mr. Colle: I've listened to a lot of very heartfelt presentations here. Beyond the political points people are trying to score, I think everybody who has been around here knows that there is a serious challenge facing Ontario. It's not because of something one government of one political stripe did; it is a challenge that's inherent in the traditional role Ontario has played in Confederation. That challenge is that Ontario has been the generator of wealth and prosperity that's been shared by the rest of Canada. That's our traditional role and we'll continue to play it.

But I think the Premier is saying that it's time for a little bit of deep reflection on where this is going, considering the present fiscal realities. Other Premiers have tried to do this, and I give credit to the other Premiers for raising this in the past, but there is no denying that Premier McGuinty has received praise right across this province from editorial writers of every stripe, saying that this is an issue worth raising and worth fighting for.

It is essentially not about whether we have money for the Liberals of Ontario or for programs in Ontario; it's about the people of Ontario. We all know that our constituents work extremely hard. Whether they're in Whitby, Wawa, Oshawa, Hamilton or Niagara-on-the-Lake, Ontarians work extremely hard. I see new Canadians working in my own riding at two or three jobs: driving a taxi, working at a variety store, delivering flyers. This is a typical Ontarian who is willing to roll up their sleeves and work. All we're saying and all the Premier is saying on behalf of those Ontarians—and the member from

Dundas, Mr. McMeekin, will tell you about the farmers in Ontario. That's what this is about. It's not about this government; it's about the northerners in Sudbury, Pickle Lake and Moose Factory, where they work extremely hard and they pay their fair share of taxes to Ontario. They pay more than their fair share of taxes to Ottawa. All they're saying is, "Let us keep a bit of this in our pockets here in Ontario." It's not that they want to spend it; they want to continue to work harder in Ontario so that their children can get jobs, their neighbours can get jobs, and we can create more wealth for Ontario and Canada. That's what this is about.

It's about expanding the economic capacity of Ontario. Right now, by this outflow of money, without any kind of concern about Ontario's capacity to generate more wealth, we are jeopardizing our capacity to create jobs and wealth to be shared by all Canadians. That's the key point. It's something we have to do better, as elected officials on both sides of the House. It's something we have to get our universities and secondary schools to talk about more, about the fact that Ontario also needs to be nourished and the people of Ontario need some kind of appreciation.

The member from Haliburton will tell you that not everybody in Ontario is rich. There are people who are living on the margin. Good, hard-working people in Fenelon Falls are not in any way asking for a handout. They're saying, "We work hard, we pay taxes, we want some of that federal money," which is their money. That money belongs to the people in Fenelon Falls. They're saying, "Let's keep it in Fenelon Falls so we can create more jobs in Fenelon Falls, more opportunity; put it into our hospitals, our schools." We do it for the good of Fenelon Falls, Haliburton, Ontario and Canada, right? That's what it's about. It's not about government getting more money; it's not about the Premier getting more money. It's about keeping money in the pockets of the people of Ontario so they can help their neighbours and the whole province.

This province has always been very good in its role. It never complains. Traditionally, you hear about Alberta and BC and, God love them, the people in the Maritimes. They all need help from the federal government. We, as Ontarians, say, "Sure, help them." But it's getting to the point where we've got to keep a little bit of that money here in Ontario so that we can invest in our universities, give some money back to our farmers so they can get through these tough times and invest in our cities so we can fix our roads, our sewers. That's what this is about. It's not about begging Ottawa or asking Ottawa for their money.

People in Ontario are extremely generous, they're extremely entrepreneurial, they want to grow the pie more—they want to. That's why we have to listen to people like Roger Martin, the dean of the Rotman School of Business in Toronto. We have to listen to Dr. David Naylor. These are people who, for years, have been telling us that we have to make Ontario a more sustainable place to invest in so we can create more jobs. We have to

listen to people like Roger Martin and we have to keep some of that money here in Ontario, not for Ontario's benefit. How many times do we have to repeat that? This is for the benefit of all of Canada, which shares in Ontario's prosperity. We can't do it with this present structure.

Premier McGuinty and the Minister of Finance have been dealing with this reality ever since we came to office. Every time we look at trying to fix health care or education, we realize that, fundamentally, we can't do it with the present financial arrangement that exists with Ottawa. It's not sustainable. It doesn't help the rest of Canada. We're saying this money is needed to be invested in Ontario so that we can create a healthy Stelco, so we can create cities that are vibrant.

There are poor farmers not only in Saskatchewan or Manitoba; there are poor farmers right here in Dundas and Aldershot. There are poor farmers in Halton Hills. So when the federal government has money to help farmers, all we're saying is that the farmers in Halton Hills deserve some help too. That's all we're saying. I hope you can support us in helping those farmers in Halton Hills, because they are deserving of help.

We're seeing working people in Ontario whose blood, sweat and tears—and they're working two or three jobs. They're saying, "We want to keep a little bit here so we can help our families get through these tough times." The people in Peterborough deserve a bit of help too, because it's not just depressed areas in Cape Breton. We have places in Ontario that need a helping hand. We're saying keep a little bit of that money in Peterborough county, keep a little bit of that money in north Toronto, where there are elderly people.

I have senior citizens in my riding, and I know the member from James Bay understands this, living on \$9,000 or \$10,000 a year. How can you live in Toronto? That is what they're doing, trying to feed themselves, house themselves. We're saying they deserve a better shake here as citizens of Canada.

We've heard about the immigrants. We have an abundance of immigrants who come here, and they're wonderful because they create jobs and wealth. They're hustlers, they're entrepreneurs, but they should be given a bit of a helping hand, just as much as they get when they go to Quebec. We can't maintain that gap of \$3,000. That has to be closed so we can help our wonderful immigrants, because they will create and grow the pie like nobody else. We're lucky to have all these new people with new ideas coming to Toronto, Whitby, Sault Ste. Marie, all over Ontario. They want to make this country grow, to make this province grow. It's an amazing place.

But right now we've got one hand tied behind our back because we're using outdated, old formulas that nobody understands. These formulas are not transparent. They're oblique; they're impossible to understand. Let's make the arrangements transparent, understandable, so that the money that is needed to go to Nova Scotia or the money that is needed in Ontario is clear and understandable to all Canadians. That's what this is all about.

1740

Mr. Ted Arnott (Waterloo–Wellington): I'm very privileged to have this opportunity to speak on this important motion this afternoon on behalf of my constituents in Waterloo–Wellington.

The motion has been tabled by the Premier, as we know, and it asks the Legislative Assembly to express support for his recent statements calling attention to a so-called \$23-billion gap between what the federal government collects from Ontarians and what it returns to the province.

This particular motion was only tabled this week, and its political objective appears to me to be a precursor to the government announcing in its upcoming budget that it will be unable to balance the budget before the government's term of office ends, mercifully, in 2007. Through this admission of fiscal failure, which is implied in the text of the resolution, the provincial government is seeking to shift the blame which will surely befall them on budget day when the Treasurer informs the House of the budgetary policy of the government.

I say this because it is important that the government members understand why this motion is being brought forward at this time. The government members will recall the previous statements of the leadership of the Ontario Liberal Party in recent years on this issue. Since 1993, when Jean Chrétien and the Liberal Party were elected to form a majority government in the House of Commons in Ottawa, Ontario Liberals in this place have been very reluctant, in any way, to criticize their federal counterparts. As an example, as the Leader of the Opposition pointed out earlier in this afternoon's debate, the Ontario Liberal caucus, in April 2000, voted unanimously against a resolution tabled by Premier Mike Harris which called upon the federal government to increase funding to the provinces for the federal program that supports health care, the Canada health and social transfer. I remember that day vividly. The Liberals came in here, and they were apologists for their federal counterparts in their speeches and in the votes they cast.

I remember that day vividly because I had had a role in the development of that motion tabled by the Premier. In those days I was privileged to serve within the government as a parliamentary assistant, and I was also a member of the policy committee of cabinet for health and social services. As a member of this committee, I was privy to government information and I participated in discussions that led to cabinet decisions. I appreciated the fact that Premier Harris appointed me to this meaningful committee, and although I wasn't burdened with the responsibility of being a cabinet minister, I felt I had a say and I took this responsibility very seriously.

I recall reading the briefing material in advance of one of our cabinet committee meetings and being shocked to see that the federal contribution to health care in Ontario had fallen to a paltry 11 cents on the dollar. I couldn't believe it. I asked questions at the meeting and I was assured that, in fact, that was the case.

At that same time, the member for Kitchener–Waterloo was the Minister of Health, and I recall the extraordinary effort she put into her job, putting in 20-hour days, most days, seven days a week for months on end. I know that the member for Simcoe–Grey will know what I'm talking about, as will the current Minister of Health.

As a member of this committee, and as a neighbouring MPP to the Minister of Health, I wanted to do what I could to help. My sense was that the people of Ontario would be shocked and outraged, as I was, if they knew the medicare partnership forged in the 1960s between the federal government and the provinces as a 50-50 proposition had eroded to the point where the federal government's participation was so insignificant as to be rendered almost meaningless.

In response, I tabled in this House a private member's resolution in December 1999. The resolution called upon the federal government to restore the funding to the CHST that it had cut since about 1994 and establish an escalator clause to assist the provinces with their increasing health care costs.

About that time, many members of the Legislature will recall that the government decided it was necessary to launch an advertising campaign to inform the people of the province of the facts concerning this serious fiscal imbalance that we were facing. I recall that the federal Liberal members of Parliament were absolutely furious when we took this step. We had to move forward, in spite of the opposition of the provincial Liberals, many of whom are still here in this place.

In my own riding of Waterloo–Wellington, my federal counterpart in the House of Commons made a number of public statements suggesting that I was completely wrong and I was understating the true level of federal support, even though Tom Kent, a respected former senior adviser to Prime Minister Lester Pearson, made a public statement which reinforced and supported what I had been saying.

In any event, Premier Harris brought forward his own resolution on federal health underfunding in the spring of 2000. In his speech to the Legislature, he acknowledged my work on this issue. That afternoon, when we voted on his motion, the Liberal caucus, led by the member for Ottawa South, meekly and weakly voted against it because they were afraid of upsetting their federal colleagues in Ottawa right before an early federal election.

As I know you will recall, Mr. Speaker, just before that federal election, the government of Canada found money to restore the funding that had previously been cut to the CHST. I believe it was because of the public pressure that was brought forward in this House and on the streets in the communities of Ontario that the people learned the facts, again, all of this while the Ontario Liberals refused to stand up for Ontario.

I've related all of this not to claim credit, but to put today's resolution in some sort of context.

We need to remember one other salient fact. The Ontario Liberals, in the 2003 provincial election cam-

paigned, accused our party in government of being too confrontational in our relations with the federal government. They would do better, they said. They would be able to extract more money from the federal government through a quieter and non-confrontational approach, and they would take advantage of their Liberal affiliation and connections to get the federal government to address Ontario's concerns.

The Liberals have now been in office in Ontario for some 16 months, and we can only assume that this quieter, non-confrontational approach has gotten them nowhere, hence the Premier's statements of last week and today's resolution.

Before I conclude, I have one other thought that I wish to bring to this debate. It's a word of caution. Where would this country be if every Premier viewed the federation simply from the perspective of, "What's in it for me?" What if every Premier reviewed the ledger and the accounts so as to measure the worth of Confederation from this perspective alone? Is this the kind of leadership that Canadians from sea to sea to sea expect from their provincial leaders?

If we take this logic to its extreme, are we not weakening the very ties that bind this country together? By viewing the federal surplus as simply a slush fund that we'd like to get our hands on, are we not, to some degree at least, betraying future generations who will be saddled with a massive federal debt if we are unwilling to live within our means today and view the retirement of debt as a priority?

These are questions the Premier needs to seriously consider as he moves forward on this debate in the coming weeks. In doing so, remember that the people of Ontario expect their Premier to be a national leader, not just a provincial one.

Mr. Jim Flaherty (Whitby–Ajax): In the limited time remaining, I'd like to make a couple of points, if I may, about the fiscal imbalance in Canada.

The Premier is correct that he has a financial problem in the province of Ontario. If you don't control spending, you're going to have a financial problem in Ontario every year, year after year. Spending last year in this province went up \$6.9 billion over 2003-04. If you do that year after year, yes, you're going to have a problem. They're going to have the same problem in Ottawa if they go ahead with the \$5-billion new social program they're talking about now.

The problem in the relationship between the provinces and the federal government is—in some provinces, of course, it's the overspending as goes on here—the reality of a fiscal imbalance in Confederation. Premier Charest talks about this; he's correct about it. The reality is that the federal government does not have responsibility for the important areas of health care, education and social services. Those three areas take up the majority of the operating spending of all of the provincial governments in Canada, including this provincial government, but the taxing power is disproportionately with the federal government, which has responsibility for some things that

they don't even take care of, like the military. But they do not have health care and they do not have education. Quite frankly, that needs to be reassessed and realigned.

I would hope that Premier McGuinty, as the current chair of the Council of the Federation, would take the lead on that with Premier Charest, leading the two largest provinces—not the David Miller, mayor of Toronto, handout theory. We have enough of that in Canada. It's not good enough for Canadian taxpayers for one politician in one jurisdiction to be asking the politician in the other jurisdiction to hand out more money. The money is not your money. The money belongs to all of the taxpayers of Canada. There is only one taxpayer.

What you have to do is get your spending under control and then get the fiscal imbalance straightened out in Canada so that the tax revenues that should go to health care flow to the provinces, to their area of jurisdiction. That's the big question, not the handout question.

1750

The Acting Speaker: Mr. Hampton has moved an amendment to government notice of motion number 302. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. There will be a 30-minute bell.

Pursuant to standing order 28(h), it is requested by the government whip that the vote on the amendment by Mr. Hampton to the motion of Mr. McGuinty, "That the Legislative Assembly of Ontario supports efforts to narrow the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province," be deferred until Monday, February 21, 2005, deferred votes.

ADJOURNMENT DEBATE

FOREST INDUSTRY

The Acting Speaker (Mr. Joseph N. Tascona): Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for Timmins–James Bay has expressed dissatisfaction with the answer to a question given by the Minister of Natural Resources. The member has up to five minutes to debate the matter, and the minister or parliamentary assistant may reply for up to five minutes. The Chair recognizes the member from Timmins–James Bay.

Mr. Gilles Bisson (Timmins–James Bay): Thank you very much, Mr. Speaker. I'm hoping that somebody will be here to respond to this late show. I'm not going to take the full five minutes: You can all applaud right now. I think the issue is really simple.

This is the story. Up until this point in time, wood that is basically within a particular licence is normally directed to a community. That direction, the practice we have been having for some years, has allowed commun-

ities like Opatatika, Hearst and others to benefit by having a sawmill, paper mill or pulp mill in their own community.

What has happened up to this point is that any time a licensee—in other words, a sawmill operator—decides they are going to shut down their plant, normally there is a process that the Minister of Natural Resources is supposed to look at: “All right, what do I do with the wood?” Up to now, given the opportunity, the minister would basically look around to see if anybody else was interested in operating a sawmill or a paper mill, whatever it might be, in that community, before redirecting the wood anywhere else.

What has happened in this case is that the government in the name of Mr. Ramsay, the Minister of Natural Resources, has decided otherwise. He has said, “Listen, Tembec came knocking at the door, Domtar came knocking at the door. They said, ‘Mr. Minister, we would like to shut down our mills in the community of Opatatika. We’d like to shut down our mills in communities like Chapleau. We’d like to shut down our mill in the town of Kirkland Lake. By the way, when we shut those down, can you send the wood to our supermills in other communities like Hearst and Chapleau? Would you be able to do that for us, Minister?’” And the minister said, “Oh, not a problem. You can take all the wood and do what you want with it.”

It is patently wrong to do that. What I asked the minister earlier this week in the House was a very simple question: Will the minister reverse the decision that he made to acquiesce to the forestry companies that transfer off wood? We know that small communities like Opatatika and others are struggling to survive. A decision like this is going to devastate that community, losing the only employer they have. The minister instead got up and tried to play the blame game, saying, “Oh, you know, when the NDP was in power, you guys shut down a bunch of mills.” I’ll say what I said then: “What a bunch of hogwash.” I think I actually said the word “crap,” and I got away with it. But the point is we were the government. It was the NDP government—

Interjections.

Mr. Bisson: I did it twice now. Amazing.

It was the NDP government from 1990 to 1995—as sawmills and paper mills across northern Ontario were under tremendous stress from the economic recession that was going on and were, yes, talking about closing down and in some cases were closing down—that came to the table and found some very unique solutions. In towns like Kapuskasing, we saved and we restructured the old Kimberly-Clark mill and made it the new Tembec of today. They were able to do that by way of worker-ownership. In places like Hearst we did that. We did that twice in Sault Ste. Marie, once with a steel plant, Algoma Steel, and the other time we did it was with St. Marys Paper in Sault Ste. Marie. We did it with Abitibi in Thunder Bay; we did it in Atikokan and in many other communities. We did it in Sturgeon Falls, in the member’s own riding, and we said, “We don’t accept that

these places should shut down. We are going to come to the table and try to find unique ways to be able to save these particular plants.” In some cases it was worker-ownership, in other cases there were community investment funds and in others we did loan guarantees to those companies. The bottom line, what we said to those companies, was, “If you pull up stakes and you go, we’re taking back the wood, and we’re not going to allow you to redirect that wood somewhere else.”

So my question to the minister is simply this: Will you reverse your decision so that the community of Opatatika gets an opportunity to do what it must do, which is to see if they can keep the wood, if they’re able to come up with another owner or themselves—reconstitute themselves as a worker-ownership—in order to keep that mill going, so that the jobs in Opatatika can stay in that community rather than being shipped down the road to a supermill?

Hon. David Ramsay (Minister of Natural Resources): I’m pleased to be able to address directly the question the member puts before me tonight. First, I’d like to talk about the situation and how I feel about it, because it is truly unfortunate, what has happened in the town of Opatatika and the closing of this mill. It was a business decision made by Tembec, the forestry company. I’ve discussed the situation with the company, and I’ve met twice with the community leaders about the situation. I’m committed to working with them to find a workable solution for the town of Opatatika, in the form of a value-added facility, and I’ll talk about that more in a minute.

The situation is not unique to Opatatika or even to the province of Ontario. I understand that these small sawmills are facing very difficult times in a very competitive business environment. While these adjustments are difficult, it’s my firm hope that the remaining mills in these communities will become stronger competitors in the sawmill industry and will continue to contribute to the prosperity of northeastern Ontario.

The honourable member knows, or should know, the difficult situation the forest industry is facing right across this country. Our exports of forest products have been impacted by the high Canadian dollar, the softwood lumber duties and rising energy costs.

My government is concerned about the challenges facing the forestry industry. We are concerned about the job losses and the impact they are having on our northern communities. That is why we are actively working with the forest industry, municipalities, First Nations and labour and environmental groups to come up with a solution.

As the member knows, on November 24 of last year I announced the establishment of a Minister’s Council on Forest Sector Competitiveness, which will provide advice on creating a more secure future for the forest products industry, workers and northern communities. The council is examining the major challenges facing the forest industry in Ontario, including wood supply, increased power costs, the strong Canadian dollar, global compe-

tion, and the softwood lumber duties imposed by the United States. I look forward to receiving this report.

What I want to say specifically to my friend is that he fails to make the point, in talking about the Tembec and Domtar issues, that there are some bright spots in this consolidation. As he knows, the Kirkland Lake sawmill will close but will be replaced by a new value-added mill that will have 12 more jobs than the one it replaces. Domtar's Elk Lake planing mill will expand, and Tembec's Chapleau sawmill will expand production. We're also working with the First Nation there to look at establishing a cedar operation.

You keep going on about the directing of wood away from the community. As the member knows, there is absolutely nothing in the Crown Forest Sustainability Act that ties wood from a specific forest to a specific community. The honourable member knows that, or should know, because it was his government that wrote that particular act.

It was also his government, under the direction of Natural Resources Minister Bud Wildman, that approved the Spruce Falls mill in Kapuskasing in 1992. At that time, Spruce Falls was directed to continue providing conifer to Excel's predecessor mill. I am not redirecting this volume to another facility. The Gordon Cosens Forest sustainable forest licence identifies a commitment of conifer to Excel. This means that the sustainable forest licence holder, Spruce Falls, has to make the conifer available to Excel. But if Excel does not purchase the committed conifer, the SFL holder can harvest and utilize the volume however it sees fit, including selling it or sending it to another Tembec sawmill. That's what

they're doing. And they are free to do that. I have no decision to make.

If the Excel mill closes and the wood isn't used elsewhere, then more people will be out of work. Our bushworkers, feller-buncher operators, skidder operators, grader operators, loader operators, mechanics and truck drivers could be all out of a job.

So I invite the honourable member to work with me to try to find an investor for the Opasatika mill to expand it and make it into a value-added sector in northern Ontario. That would be better than accepting the status quo.

I'd say to the member that I'm prepared to continue to work with the community on this as we adjust. We're going to see more and more adjustments in the forest sector. There may be more consolidations away. I think we need to be working together to make sure that we secure a strong forest sector for northern Ontario, right across the north. We want to be able to encourage new investors to come in and start to invest in sustainable jobs in the north with some of the new value-added products, and at the same time allow the mills, where it's necessary, to consolidate so that they're competitive and so that we can have sustainable employment in our towns.

We've got to get out of this boom-and-bust cycle that we have up there, which has always been a detriment to the northern economy, and build a sustainable northern economy.

The Acting Speaker: There being no further matters to debate, I deem the motion to adjourn to be carried.

This House stands adjourned until 1:30 p.m. next Monday.

The House adjourned at 1800.

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**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

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of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Monday 21 February 2005

Lundi 21 février 2005



Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 21 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 21 février 2005

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

DURHAM CHILDREN'S AID SOCIETY

Mr. Jerry J. Ouellette (Oshawa): It is with great pride that I rise today to congratulate the Durham Children's Aid Society on 100 years of success. The Durham CAS has been protecting children in my riding and community since 1905. They are responsible for providing child protection services to children under the age of 16 and their families who live in the region of Durham.

The Durham CAS has a mission to keep children and youth safe from harm and to create stability and permanence in their lives. The vision of the CAS is for all children and youth to live in safe, healthy, caring and stable environments where they can reach their full potential. The CAS has maintained this way of thinking for the past 100 years, and has helped thousands of children and families improve their lives and situations. The dedication and devotion demonstrated, and carried on through several generations by the volunteers and staff of the Durham Children's Aid Society, is a testament to the kind of community found in the region of Durham.

The Durham CAS was started in the spring of 1905, when a group of concerned citizens in the city of Oshawa decided to form an organization to help children who had been abused and neglected. This caring and concern still resonates in my riding to this day, 100 years later.

Again, congratulations to the Durham Children's Aid Society on a tremendous record of success spanning a century.

ONTARIO HERITAGE WEEK

Mr. John Wilkinson (Perth-Middlesex): Today, National Heritage Day, is the start of Ontario's 21st Heritage Week. It's a time not only to celebrate Ontario's diverse cultural heritage, but also to recognize the work of heritage organizations and volunteers throughout the province in preserving Ontario's historic sites and places. The theme of this year's week is Ontario's Heritage: Our Shared Legacy.

My constituents in Perth-Middlesex have a wonderful heritage to be proud of. Famous actors have graced the stage of the Stratford Festival since 1953. The late, great NHL hockey player Howie Morenz was born in Mitchell and played his formative hockey in both Mitchell and Stratford. Andrew Edward McKeever of Elma township served on the Western Front and shot down 30 enemy aircraft during World War I. As a result, he earned the Military Cross and bar and the Distinguished Service Order. Timothy Eaton, the namesake of Eaton's department stores, operated his first drygoods business in St. Marys, Ontario, from 1860 to 1868. Lucan is famous the world over as the site of the Black Donnellys tragedy and also as a terminus of the Underground Railroad.

Together, these events and figures have contributed to the history that is Ontario's rich cultural heritage. Each riding has a unique history and its own story to tell. I encourage all members during this week to promote awareness of heritage resources and heritage-related issues within their communities in order to preserve Ontario's heritage for future generations.

RURAL ONTARIO

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): Yesterday marked the beginning of the annual Rural Ontario Municipal Association and Ontario Good Roads Association conference. I want to welcome all municipal officials here for their meetings this week.

The message I've been hearing from municipal leaders is simply this: The McGuinty Liberals have turned their backs on rural Ontario. The government promised action, yet has delivered nothing to resolve the municipal concerns with regard to the community reinvestment fund. The government promised that farmers would be a priority for them, yet while the Premier has \$400 million for the Papatello palace casino, calling it an investment, they have no money to invest in agriculture to ensure that Ontarians have an adequate food supply. Sandra and Dwight get a cheque, while farmers get, "The cheque is in the mail."

There are two visits planned to Queen's Park in March: the first on March 2, organized by members of the Ontario Federation of Agriculture, and another on March 9, organized by private landowners from across Ontario. Let me assure you that they are not coming to tell Mr. McGuinty they are happy with his Liberal government; quite the contrary. They see this government as being both disinterested and unresponsive to the needs of rural Ontarians.

Over the next few days, ministers will hear plenty from municipal leaders about rural issues. I would suggest to those ministers that they pay close attention, because rural people are paying very close attention to you.

SPECIAL EDUCATION

Mr. Rosario Marchese (Trinity-Spadina): I just want to indicate a little disappointment with the Liberal Party—just a little. Some of you will recall that last July, the government announced \$100 million for special education. The month following, in August, the government took \$100 million from the boards.

Mr. John R. Baird (Nepean-Carleton): A clawback.

Mr. Marchese: It's called a clawback, and other terms that you don't find polite. So they give \$100 million in July, and in August they take \$100 million from the boards. And wait for this, Speaker: They then announce—Minister Kennedy, that is—that by October or November, there would be some new equity fund that boards could apply for.

We are now into February—close to March. April, May and June, and the year is over. This new equity fund would put in \$50 million of the \$100 million they took in August. That \$50 million is not available, the equity fund is not available, the criteria to apply for the money they should have gotten last year are not available and there are 43,000 special education students waiting in line to be identified by an IPRC.

How can the public take this from a minister and government that say, "Education is number one in our books, and special-ed is number one in our books"? Call us if you are concerned about it.

1340

SCHOOL FACILITIES

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): I'm proud to rise today to speak about the great announcement that our Premier and Minister Kennedy made last Thursday, February 17. Over the past decade of Tory rule, our schools deteriorated to the point that the children of Ontario were hindered in their ability to learn, based primarily on their classroom conditions. The results of our government's facilities review made it clear that Ontario's school buildings were getting in the way of the instruction being delivered within them. Capital costs were being rediverted from programming, and much-needed safety repairs were being put off.

This past Friday, in my own riding of Bramalea-Gore-Malton-Springdale, I visited a school that is in desperate need of necessary boilers, plaster and safe windows. The past government allowed schools like St. Jean Brebeuf elementary school to fall into a state of disrepair, and I'm proud that our government will invest \$4 billion to ensure that their neglect will not prevent us from providing safe places for our children to learn. These students will soon have better places to learn, thanks to a combined investment of \$65.5 million by our

government. Finally, the investment will be made to repair, renew and reinvest in our schools, a move that is long overdue and that the past government would not make.

I applaud our government's commitment to student success and learning, and I am thrilled that Peel students will see these improvements soon.

GOVERNMENT'S AGENDA

Mr. Garfield Dunlop (Simcoe North): I rise in the House today to talk about the Liberal Party pork-barrelling that has continued since the early days of the McGuinty government. There are so many that I don't even know where to begin, but I can mention how Environment Minister Dombrowsky brought in a special bill, the Adams Mine Lake Act, to help local MPP and Liberal David Ramsay put out a fire on a critical constituency issue. Meanwhile, the site 41 landfill issue continues to simmer in my riding of Simcoe North—a landfill that will, without question, contaminate the groundwater.

Then there's the \$400 million that was recently announced for the Windsor casino, otherwise known as Papatello's palace. And who benefits from this announcement? Not all Ontarians, as the government would have us believe; just the local MPPs, Sandra Papatello and Dwight Duncan.

I was especially amused by the fact there would be a ribbon-cutting for the new Windsor casino hotel in the year 2007. I'm not a betting man myself, but I'd have to say that if one thing is worth betting on, it's that the ceremony will take place before October 4, 2007, the date of the next election.

Meanwhile, my hospital in Orillia needs an MRI, the Royal Victoria Hospital would like to have a cancer care unit and Minister Papatello continues to ignore the impact of her cruel and heartless decision to shut down the Huronia Regional Centre forever.

How about David Peterson's new \$1,000-a-day job? The former Ontario Liberal Premier will serve as the province's representative in discussions with First Nations on a new framework for sharing gaming revenues. Isn't that the job of the Attorney General? But what's he doing? He's out chasing Jack Russell terriers and pit bull terriers.

These are just a few of the examples of Liberal pork-barrelling. I'm sure the list will continue to grow as the Liberals come to the realization that they will be a one-term wonder.

SCHOOL FACILITIES

Mr. Kim Craitor (Niagara Falls): I'm proud to rise today as well to speak about the great announcement that our Premier and Minister Kennedy made last Thursday. Over the past decade of Tory rule, our schools have deteriorated to the point that the children of Ontario were hindered in their ability to learn, based on their environment. The results of our review of all schools made it clear that Ontario's school buildings were getting in the

way of instruction being delivered inside them. Capital costs were being redirected from programming and much-needed safety repairs were being put off. The students of Ontario were being ignored.

Schools such as Niagara-on-the-Lakes' Niagara District school or A. N. Myer in Niagara Falls are in desperate need of necessary boilers, plaster and safe windows. The past government allowed our schools to disintegrate to the point that they will now have to invest \$4 billion to ensure safe places for our children. Niagara students will soon have a better place to learn, thanks to a combined investment of \$66 million. This is the third-largest investment in the province, second to Toronto and Ottawa. Finally, this investment is long overdue.

The past government failed our students. Education is a top priority of our government. Students have a better chance at success when they learn in schools that are clean, safe and in good repair. I applaud our government's commitment to student success and learning, and I'm thrilled that Niagara students will see improvements as early as this summer, when construction begins, thanks to our government.

Mr. Richard Patten (Ottawa Centre): Last Friday I was elated also, along with my colleague, to announce for our area some new \$80 million of funding to fix schools in the Ottawa area and ensure good places to learn. This announcement, as you can well imagine, was well received by parents and students alike, as they welcomed this good news. This announcement was not only about funding much-needed repairs for our schools; it was also about outlining new guidelines for school closing procedures by school boards, which is very important.

Under the last government, close to 650 schools were closed, with little input in many situations from the community. Some of these were very destructive to many of the communities; I would certainly attest to that particular experience. Schools closed at an accelerated rate because of incentives in the funding formula that encouraged boards to close schools, just to build new ones in the suburbs.

Last Thursday, our government announced new and transparent guidelines for school closures. We will determine the value of each individual school before deciding to close it if we need to. We will make school valuation the centre of board and community discussions, and we will ensure public and community input before a school closes.

It seems ironic that we would have to stipulate that a community be consulted before closing a school. We are happy to announce that we will change that and engage parents, students and those who have an interest in making sure that schools are the core of our communities.

BENJAMIN OSEI

Mr. Mario Sergio (York West): As we commemorate Black History Month, it is with great pleasure that I

rise and pay tribute to a truly remarkable individual. Mr. Benjamin Osei is a man who has triumphed over insurmountable odds to turn personal tragedy into a lifeline that is today saving many youth at risk in my riding of York West.

In 1985, Benjamin was tutoring in Kabala, Africa, and set up a bakery, with the aim of assisting displaced youths with skills development. In 1991, war broke out in Sierra Leone. Soldiers confiscated the bakery and later massacred his first wife and children. He was taken captive, confined and tortured before a miraculous escape.

Benjamin came to Canada and earned a master's degree in divinity from Acadia University in Nova Scotia. His subsequent vision to return to his native Ghana was undermined, as he became the victim of an attempted kidnapping. He remarried and returned to Canada, working in factory jobs during the day and faithfully serving the community as a full-time youth worker in our Jane-Finch community.

Having established a successful youth outreach at night and on weekends, teaching the youth life skills, he runs basketball programs for 60 boys and girls, and a girls-only club with activities such as skating and cooking, while assisting the poor and single mothers in their community.

Benjamin has truly demonstrated that great adversity can give birth to great opportunity, compassion and determination. His resolve to see others achieve success and not to accept defeat in spite of their circumstances is outstanding. I am so delighted that our community is indeed blessed with the exceptional example of good citizenship and leadership.

I'm pleased that Mr. Benjamin Osei is joined today by Pastor Fred Witteveen, from the Friendship Community Church in my riding. Today they are here with us, and I'd like to thank the House for the opportunity.

INTRODUCTION OF BILLS

TRANSPORTATION STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LE TRANSPORT

Mr. Takhar moved first reading of the following bill:

Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Minister?

Hon. Harinder S. Takhar (Minister of Transportation): I defer my statement until ministerial statements.

1350

FRED GLOGER TENANT PROTECTION
AMENDMENT ACT
(VITAL SERVICES), 2005
LOI FRED GLOGER DE 2005
MODIFIANT LA LOI SUR LA PROTECTION
DES LOCATAIRES
(SERVICES ESSENTIELS)

Ms. Horwath moved first reading of the following bill:
Bill 170, An Act, in memory of Fred Gloger, to amend the Tenant Protection Act, 1997 in respect of vital services / Projet de loi 170, Loi à la mémoire de Fred Gloger modifiant la Loi sur la protection des locataires à l'égard des services essentiels.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Ms. Andrea Horwath (Hamilton East): This bill amends the Tenant Protection Act, 1997, to ensure that tenants who pay for utilities like hydro, gas or water in their rent don't have them disconnected because their landlord failed to pay the utility company.

Where no municipal vital services bylaw is applicable in respect of a rental unit, this bill (1) would require a landlord to provide adequate and suitable vital services to the rental unit; (2) would require a supplier of a vital service to give notice to the ministry before ceasing to supply the service because of a landlord's breach of contract; and (3) where a landlord has failed to provide adequate and suitable vital services, the ministry may enter into agreements with suppliers to ensure the supply of vital services to rental units and may, in such circumstances, direct a tenant to pay his or her rent to the ministry.

The bill grants the Lieutenant Governor in Council authority to specify that when prescribed criteria are met, an otherwise applicable vital services bylaw does not apply in respect of a rental unit, and the provisions set out in the bill apply instead.

STATEMENTS BY THE MINISTRY AND RESPONSES

TRANSPORTATION

Hon. Harinder S. Takhar (Minister of Transportation): Mr. Speaker, Ontario has the safest roads in North America. We are proud of that, but still we can do better. We must do better.

We need to make our roads even safer. We need to ease congestion. We need more reliable public transit. Our economy depends on a transportation system that is efficient. So do our quality of life, our environment and the future of our province.

We are making progress—real progress—in improving that system.

We are providing \$1 billion in provincial gas tax funding to municipalities over five years. That means better transit and more convenient and reliable service.

The new child and youth safety bill, Bill 73, which passed last December, has measures in it that will protect lives. These include a new crossing arm and more safety features on school buses.

And we have been working hard at solving the issues at border crossings. Keeping traffic moving at the border and across the province is essential to Ontario's prosperity.

I'm also determined to improve GO Transit, to get more people riding quickly and comfortably.

As a fundamental part of our transportation plan, I am pleased to introduce this legislation promoting transit and safety on Ontario's roads. I look forward to hearing the views of the members on all aspects of what we are proposing.

Today I want to focus on a few items, issues that have real meaning for everyone in Ontario.

First and foremost is safety. Over the past five years, more than 15,000 pedestrians in Ontario have been hurt or killed crossing the street. Many of these tragedies happened at intersections with traffic lights, at pedestrian crossovers or at school crossings. In Toronto alone, for example, 42 of the 74 road-related deaths in 2003 involved pedestrians. Over five years, there were nearly 12,000 collisions in highway work areas; 50 people died in those tragedies. The heartbreaking truth is that children are nearly five times more likely to be killed walking or running out on to a street than adults. The simple fact is that drivers who go 30 kilometres an hour over the posted limit on city streets are almost six times more likely to kill or seriously injure someone, and the very few drivers who go 50 kilometres an hour over the posted limit on our highways are nearly 10 times more likely to kill or seriously hurt someone.

This bill proposes obvious solutions: higher fines and demerit points for driver offences at school crossings; higher fines and demerit points for motorists who do not yield for pedestrians at crosswalks and traffic signals; doubling of fines for speeding in construction zones when workers are present; strong new penalties for disobeying the Stop or Slow sign held by a traffic control person in a work zone; and tough rules for those who drive at excessive speeds with no serious regard for human life.

The reality is that most collisions where someone gets hurt or killed happen on municipal roads, and the reality is that speed is a factor in almost half of those collisions. This bill would make our roads safer for drivers, for pedestrians and for those who build and maintain our roads and highways.

The bill includes other safety measures by improving daily truck inspections with a longer and more stringent checklist. This bill would make flying debris from a car or truck an offence. This would apply to all drivers, not just commercial drivers. A fender or grille that bounces on to a highway from a car can be just as dangerous as a flying truck wheel.

The bill would allow for variable speed limits on designated highways, to manage traffic depending upon weather and traffic conditions. And—something my colleague the Minister of Northern Development and Mines has pushed for for 10 years—this bill would improve winter safety by allowing the use of studded tires for drivers in the north. This would give them more safety options to handle the icy conditions.

1400

Something else that the Premier promised was a crack-down on illegal taxis. There are representatives from the taxi industry present in the gallery today who have been fighting for years to address the issue of illegal taxis. Finally, our government is doing something about it.

This is an important safety and consumer protection issue, and it is a necessary measure in order to protect the livelihood of legitimate taxi and limo operators. We want to protect travellers from shady drivers who charge as much as \$180 for a ride from Pearson International Airport to downtown Toronto. If this bill is passed, it would enable us to crack down on illegal taxis in this province.

The new legislation has measures to improve public transit as well, and to cut commuting times. The bill would allow us to designate and enforce high-occupancy vehicle lanes for cars with two or more people. This encourages carpooling and makes better use of our highways.

The bill would also allow the police to clear and re-open a highway after a collision. This means fewer delays and less frustration for all Ontario drivers. This would also help our economy. We know that every one minute of delay means \$170 million a year in higher shipping costs.

This morning I was at a public school in Toronto. I talked about improving safety for pedestrians. Tomorrow, I will have more to say about easing congestion and getting traffic moving quickly after a collision or a spill.

Interjection.

Hon. Mr. Takhar: I know that all MPPs, including my colleague up there, care passionately about these issues. I'm hopeful that we can move ahead together. We have more to do to make sure Ontario has the best transportation system in the world: a transportation system for the 21st century; a transportation system that we are proud to leave to our children. This bill, if passed, would be one key step along the way.

LAND USE PLANNING

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Today the government marks another milestone in its planning reform agenda. At the ROMA conference this morning, I announced the new provincial policy statement—

Interjections.

Hon. Mr. Gerretsen: —and it's great to see the tremendous support from the opposition today. This is a

statement of the government's key policy interests in land use planning and development. It embodies sound planning principles and clearer, stronger directions for the planning decisions that will shape Ontario's communities. This means anticipating the province's future needs and ensuring that development will be allowed only in areas where it can be sustained and supported by infrastructure. This means stricter rules for protecting and maintaining our resources.

The new PPS takes effect on March 1, 2005, at the same time as the "shall be consistent with" implementation standard, which requires that all planning decisions be consistent with the PPS.

When we first took office, our government committed to reforming the planning system in Ontario. You may recall the Strong Communities (Planning Amendment) Act, 2004, which received royal assent last November. It provides for changes to the Planning Act that will give more say to municipalities on land use and bring back accountability and transparency to local planning.

The reforms to the Planning Act are necessary as a response to our communities' changing needs. Ontario's cities and towns have undergone a transformation not only in their population size and diversity but also in their physical size and complexity. This pattern of growth is putting pressure on our municipalities to provide the infrastructure, services and energy resources required to maintain a high quality of life.

The new PPS will promote more compact, pedestrian-oriented communities and recreational facilities such as parklands and trails. It emphasizes the maximum use of existing infrastructure and public service facilities, such as energy, public transit, schools and hospitals. It supports the recommendations made by the agricultural advisory team.

The wise use of land, the sustainability of our air, water and energy resources, the infrastructure vital to communities, planning for future development and economic growth—these are all issues that matter greatly to this government and to the people of Ontario. That's why we have crafted the new PPS, to shape how our communities grow and prosper, guided by sound and balanced planning principles.

The new provincial policy statement is at the heart of this government's planning reform agenda. It sets out the broad policy direction for planning decisions province-wide and lays the groundwork for other government priorities such as the Golden Horseshoe greenbelt, the draft growth plan released last week, source water protection and the Greater Toronto Transportation Authority.

The new PPS is part of the McGuinty government's plan for healthy growth in this province. It is a vision we all share: a better, stronger, more prosperous Ontario now and in the future.

TRANSPORTATION

Mr. Jim Wilson (Simcoe-Grey): I just want to respond to the Minister of Transportation's statement and

congratulate the minister for finally getting around to implementing what we were already doing some year and a half later. All you've really announced today are increased speed limits, but your government broke a very, very important promise when it promised to pay for 1,000 new police officers.

Whether it's the taxis at the airport, I say to the people in the gallery, or speed limits in construction zones, or pedestrian crossings, or school crossings, or debris from vehicles that you announced today, or inspections or high-occupancy vehicle lanes, all of these require enforcement, and you people are silent over there about more police officers for our streets so you can actually enforce the laws you're making.

As MADD Canada has pointed out, when 16,500 drivers every year drive with suspended licences after being charged with impaired, there's no sense making more laws if you don't have enforcement, Minister. So talk to your public safety minister, your Premier and your finance minister. We expect to see strong enforcement out there; otherwise you are just dabbling around the edges.

I would have expected today, when the Rural Ontario Municipal Association and the Good Roads convention is going on here in Toronto, that you would have said something about the gas tax. Only 105 out of 450-odd municipalities qualify for any type of gas tax—another broken promise by your government.

You should have made a strong statement, Minister, when you spoke at ROMA and Good Roads this morning about the gas tax. You were almost silent on it. People were not very happy when you failed to deliver on that promise. They're getting fed up, and this statement today is really a non-statement. You should be looking at enforcement and you should be living up to the promises you've already made, not introducing new legislation that you have no hope of enforcing.

LAND USE PLANNING

Mr. Tim Hudak (Erie-Lincoln): I want to respond to my colleague the Minister of Municipal Affairs on his announcement today.

I had the pleasure of meeting with the ROMA executive yesterday afternoon, and I've got to tell you, they're not a bunch of happy campers, so to speak. They spent about 45 minutes on issue after issue and broken promise after broken promise of the Dalton McGuinty government. One thing they said that they're tired of is this theme of "Dalton knows best." We have piece of legislation after piece of legislation where the central planning at Queen's Park overrides the decisions of democratically elected municipal leaders, which, I remind my colleagues across the floor, is completely contrary to what they campaigned on in 2003.

The minister referred to Bill 26 and the "be consistent with" principle, which clearly greatly restricts the local decision-makers' flexibility in administering the PPS,

and secondly, the minister's ability to declare a provincial interest, with no designation for criteria or time frames, taking planning decisions out of municipal hands to behind the closed doors of cabinet.

1410

Within the PPS is something curious. They talk about better protecting specialty crop lands, including tender fruit and grape lands etc., which we support. But when the greenbotch mapping puts a cemetery and a junkyard in the greenbelt area—our fruit farmers are talented, but they're not going to be growing peaches in a cemetery or in a junkyard.

So if they're asking municipalities to be consistent with the bad mapping, bad decisions and political science behind the greenbotch scheme, that's going to create a consistent mess right across the province. When it comes to municipalities versus the decisions of this government, I will side with the municipalities every single time.

I'd say too that the ROMA executive found it rather curious that there would be the announcement of additional funding for the city of Toronto on the eve of the ROMA-OGRA conference. The political judgment behind that timing seems rather strange and has a lot of the ROMA delegates quite concerned. A colleague says that they were insulted. There was an announcement today from the president of AMO, Roger Anderson, who says this announcement is "leaving municipalities on the hook for 2004. Municipalities have closed their books on 2004 and now are left holding unpaid provincial bills."

Mr. Anderson goes on to say, "Today's announcement raises as many questions as it answers. It is too early to determine if municipalities and property taxpayers are better off under the new model."

I look forward to going back to ROMA-OGRA, as do my colleagues who have been down there. But I tell you, whatever the minister says today, they're not a happy bunch of delegates at ROMA here this week.

The Speaker (Hon. Alvin Curling): Order. Let's have a little quiet while we have responses here. There was a lot of courtesy granted to the ministers when they were giving their statements. I would like to hear the responses, and I would ask that there be less chatter in the House.

TRANSPORTATION

Mr. Gilles Bisson (Timmins-James Bay): Minister, in the words of those delegates at ROMA and Good Roads today, whoop-de-doo. This announcement today falls far short of anything that people have been asking for from the municipal sector, our partners here in Ontario, when it comes to making our transportation infrastructure work.

You heard the questions today. Delegates were asking, what about the gas tax? All those rural and northern communities don't get one red cent from the gas tax. Why? Because that particular gas tax initiative only applies to those municipalities that have transit. So municipalities at

ROMA and municipalities attending over the next couple of days are saying to you that we need investments on our highways. We have a highway infrastructure that is falling apart. We need to have an investment in our transit systems. You've heard Howard Moscoe. You've heard Mayor Miller. You've heard people from Ottawa, Hamilton and everywhere else. They're saying they need the hand of the provincial government to assist them.

I thought the most interesting comment this morning was from John Curley, municipal alderman from the city of Timmins. He said that the studded tire initiative is not bad on its own, but he asked, are we going to have to put pit crews at the French River, along Highway 11 and Highway 69, like the Daytona 500, so that every time somebody with studded tires on their car drives down from northern Ontario, they'll be pulled aside and we can pull the studded tires off and put the radials back on, and on their way they go? I'll tell you, if that's a good business initiative for some people, this government is sadly mistaken.

But more specifically to the safety initiatives in this bill: Minister, it's the fear of being caught that stops somebody from breaking a law. You can raise the fines all you want with this bill when it comes to speeding, people going through crosswalks, people passing buses. You can do it all. Raise the fines as much as you want. If you don't have police officers on the road policing our highways in municipalities and across this province, it ain't going to do nothing.

So it leaves us with the obvious. You're not hiring more police officers, so this is nothing more than another cash grab by the province of Ontario to take dollars from hard-working people in this province, not to deal with safety initiatives and put it in the pots of your treasurer who sits across the way so you can deal with the issues you have to deal with.

LAND USE PLANNING

Ms. Marilyn Churley (Toronto-Danforth): We are pleased to see that the government has returned the NDP "shall be consistent with" approach to the provincial policy statement. But, Minister, what is troubling is the further expansion of powers for the aggregate industry contained in it. This PPS will not further source water protection, nor will it protect farmland and the environment in areas where aggregates are found. In fact, it will have the reverse effect. The PPS goes even further than the Tories in terms of fulfilling the wish list of the aggregate industry.

Minister, you've added the following statement: "Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere." We just had both the Environmental Commissioner and the Pembina Institute report, "The province lacks basic information on current demand for and uses of aggregate. Furthermore, the province does

not have up-to-date projections regarding future demand." By not requiring supply-and-demand analysis to determine when or if new aggregate operations will go ahead, your new PPS will accelerate the ripping up of the greenbelt for new gravel and quarry operations. By all accounts, your government doesn't even know the nature of the supply cycle. Don't you ever talk to the Minister of the Environment? You sit right next to her. She could tell you that. Instead, you've abdicated your role as the steward of those public resources and decided to let the aggregate companies call all the shots.

Minister, this is a dark day for your proposed greenbelt. With the release of this new provincial policy statement today, I was fully expecting that you were going to correct this gross error in your statement. Now it's in there for sure, and now, with this statement official, this greenbelt is becoming even closer, sadly, to becoming a gravel belt in the province of Ontario. Shame on you, Minister. Shame on you. I am shocked that you didn't fix this.

Minister of the Environment, you should demand that this come out of the—

The Speaker (Hon. Alvin Curling): Thank you. Calling deferred votes now.

DEFERRED VOTES

FEDERAL-PROVINCIAL FISCAL POLICIES

The Speaker (Hon. Alvin Curling): We have a deferred vote on the amendment by Mr. Hampton to the motion relating to narrowing the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province.

Call in the members. This will be a five-minute bell.

The division bells rang from 1418 to 1423.

The Speaker: Mr. Hampton moved that the motion be amended by inserting after the words "returns to this province" the following: "and that this money be targeted for the hiring of 3,000 nurses, a 3% increase in Ontario Works and Ontario disability support plan benefits, an end to the clawback of the national child benefit, and \$100 million of new funding for Ontario's regulated, non-profit child care system."

Interjections.

The Speaker: Order.

All those in favour, rise one at a time and be recognized by the Clerk.

Ayes

Bisson, Gilles
Churley, Marilyn
Hampton, Howard

Horwath, Andrea
Kormos, Peter
Marchese, Rosario

Prue, Michael

The Speaker: All those opposed, please rise and be recognized by the Clerk.

Nays

| | | |
|------------------------|---------------------|---------------------|
| Amott, Ted | Fonseca, Peter | Patten, Richard |
| Arthurs, Wayne | Gerretsen, John | Peters, Steve |
| Baird, John R. | Hardeman, Ernie | Phillips, Gerry |
| Barrett, Toby | Hoy, Pat | Pupatello, Sandra |
| Bartolucci, Rick | Hudak, Tim | Qaadri, Shafiq |
| Bentley, Christopher | Jeffrey, Linda | Racco, Mario G. |
| Berardinetti, Lorenzo | Kennedy, Gerard | Ramal, Khalil |
| Bountrogianni, Marie | Klees, Frank | Ramsay, David |
| Bradley, James J. | Kular, Kuldip | Rinaldi, Lou |
| Broten, Laurel C. | Lalonde, Jean-Marc | Runciman, Robert W. |
| Brownell, Jim | Levac, Dave | Ruprecht, Tony |
| Bryant, Michael | Marsales, Judy | Sandals, Liz |
| Cansfield, Donna H. | Matthews, Deborah | Smith, Monique |
| Caplan, David | Mauro, Bill | Smitherman, George |
| Chambers, Mary Anne V. | McGuinty, Dalton | Sorbara, Gregory S. |
| Colle, Mike | McMeekin, Ted | Takhar, Harinder S. |
| Cordiano, Joseph | McNeely, Phil | Tascona, Joseph N. |
| Craiton, Kim | Meilleur, Madeleine | Van Bommel, Maria |
| Delaney, Bob | Miller, Norm | Watson, Jim |
| Dhillon, Vic | Milloy, John | Wilkinson, John |
| Di Cocco, Caroline | Mitchell, Carol | Wilson, Jim |
| Dombrowsky, Leona | Mossop, Jennifer F. | Wong, Tony C. |
| Duguid, Brad | Munro, Julia | Wynne, Kathleen O. |
| Duncan, Dwight | Oraziotti, David | Yakubski, John |
| Dunlop, Garfield | Ouellette, Jerry J. | Zimmer, David |
| Flynn, Kevin Daniel | Parsons, Ernie | |

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 7; the nays are 77.

The Speaker: I declare the motion lost.

We have a deferred vote on the motion by Mr. McGuinty relating to narrowing the \$23-billion gap between what the federal government collects from Ontarians and what it returns to this province.

Call in the members. This will be a five-minute bell.

The division bells rang from 1426 to 1431.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Amott, Ted | Gerretsen, John | Parsons, Ernie |
| Arthurs, Wayne | Hampton, Howard | Patten, Richard |
| Baird, John R. | Hardeman, Ernie | Peters, Steve |
| Barrett, Toby | Horwath, Andrea | Phillips, Gerry |
| Bartolucci, Rick | Hoy, Pat | Prue, Michael |
| Bentley, Christopher | Hudak, Tim | Pupatello, Sandra |
| Berardinetti, Lorenzo | Jeffrey, Linda | Qaadri, Shafiq |
| Bountrogianni, Marie | Kennedy, Gerard | Racco, Mario G. |
| Bradley, James J. | Klees, Frank | Ramal, Khalil |
| Broten, Laurel C. | Kormos, Peter | Ramsay, David |
| Brownell, Jim | Kular, Kuldip | Rinaldi, Lou |
| Bryant, Michael | Lalonde, Jean-Marc | Runciman, Robert W. |
| Cansfield, Donna H. | Levac, Dave | Ruprecht, Tony |
| Caplan, David | Marchese, Rosario | Sandals, Liz |
| Chambers, Mary Anne V. | Marsales, Judy | Sergio, Mario |
| Churley, Marilyn | Matthews, Deborah | Smith, Monique |
| Colle, Mike | Mauro, Bill | Smitherman, George |
| Cordiano, Joseph | McGuinty, Dalton | Sorbara, Gregory S. |
| Craiton, Kim | McMeekin, Ted | Takhar, Harinder S. |
| Delaney, Bob | McNeely, Phil | Tascona, Joseph N. |
| Dhillon, Vic | Meilleur, Madeleine | Van Bommel, Maria |
| Di Cocco, Caroline | Miller, Norm | Watson, Jim |
| Dombrowsky, Leona | Milloy, John | Wilkinson, John |
| Duguid, Brad | Mitchell, Carol | Wilson, Jim |
| Duncan, Dwight | Mossop, Jennifer F. | Wong, Tony C. |
| Dunlop, Garfield | Munro, Julia | Wynne, Kathleen O. |
| Flynn, Kevin Daniel | Oraziotti, David | Yakubski, John |
| Fonseca, Peter | Ouellette, Jerry J. | Zimmer, David |

The Clerk of the Assembly: The ayes are 84; the nays are 0.

The Speaker: I declare the motion carried.

Mr. Tim Hudak (Erie-Lincoln): On a point of order, Mr. Speaker: I ask for unanimous consent, given that ROMA is taking place this week, that the Legislative Assembly of Ontario debate Bill 92 this afternoon, February 21; Tuesday afternoon, February 22; and Thursday afternoon, February 24, and that the vote on second reading be taken at 5:50 p.m. on Thursday, February 24.

The Speaker: I heard a no.

Interjections.

The Speaker: Order.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: We'd certainly be prepared to consider that at House leaders'. The Tories have rejected opportunities to pass that already.

Interjections.

The Speaker: Order. I would suggest that the House leaders get together and settle this matter, not in here. It is time for oral questions.

ORAL QUESTIONS**HEALTH CARE**

Mr. Robert W. Runciman (Leader of the Opposition): My question is to the Premier: The growing lack of confidence Ontario's medical profession has in your government has been exemplified today by a letter sent to you from Ontario's specialists and surgeons, which we've been given. The letter was signed by all 13 sections of the surgical assembly of the Ontario Medical Association.

The letter is a damning indictment of your health care priorities. Ontario's surgeons and specialists, among the true experts in our health system, say your approach to health care in Ontario will have the effect of "creating second-class patients." They say that by focusing on only three priorities for wait time reductions, you will reduce scarce resources, operating room time and physician time for all other procedures that Ontarians rely on and need.

Premier, I'll pose to you the same question the specialists do in their letter: "Surely you don't believe in making patients who are waiting for procedures that you have not deemed to be priority items wait any longer than they are currently waiting." Is that your position?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): What we are determined to do, by working in a co-operative way with Ontario's doctors, is reduce wait times. To that end, we have added another \$107 million—this is supplementary to the funds that were already there—so we can move the yardstick forward in five specific areas: cardiac care, cancer care, cataracts, hips and knees, and MRIs and CTs. What we're doing here, in fact, is adding more money to the system specifically targeted at five distinct areas in a way that does not compromise our ability to continue to move forward in other areas.

Mr. Runciman: Premier, you keep talking about inputs—how much money is going into the system—and I'm talking about outputs, the quality of care that comes out of the system. That's what matters to Ontarians, and that is where your government is failing them.

Ontario's front-line experts now say your approach is dangerous. They say you are creating two classes of patients: those on the list to receive a McGuinty priority operation and the vast majority of those who are not.

This letter is a fundamental challenge to your health care priorities. I want to quote again from the letter: "Patients in Ontario deserve to have better access to all treatments and all physicians. Improving access of one priority at the expense of another is not the kind of health care 'improvement' Ontarians expect or deserve."

Premier, how do you respond to the front-line surgeons and specialists who say your priorities are misplaced and simply bad for patient care?

1440

Hon. Mr. McGuinty: I'm not going to apologize for our intention to increase the number of procedures when it comes to cancer care, cardiac surgeries, cataracts, hips and knees, and MRI and CT scans. We think that's in the interests of the people of Ontario, and we're doing it in a way that does not compromise our ability to continue to fund other procedures in other areas.

Mr. Runciman: Premier, I don't believe you can ignore what's in this letter. You've shown us that you can ignore taxpayers, voters and your own solemn promises, but you can't ignore the front-line specialists and surgeons who will have to deal with the consequences of your misplaced priorities.

The surgeons and specialists also say they are disappointed with the progress of negotiations between your government and the OMA. They question the priorities you've set out for those negotiations. They say you're picking favourites among doctors. The doctors who work in one of your priority areas get the steak while others get the bone. Surgeons and specialists see your priorities and approach for what they are: a shell game that will ultimately do nothing to enhance patient care in Ontario.

Premier, what do you have to say to patients on already unacceptable wait lists for orthopaedic and neurosurgery procedures? How can you possibly justify your approach?

Hon. Mr. McGuinty: We have never once even intimated that bringing about the kinds of changes that are necessary in our health care system so that we increase both affordability and quality—we've never once hinted that that's going to be easy.

The member opposite would have us back away from the kinds of change that are going to benefit the people of Ontario. I can tell you, nothing will make us back away from ensuring that we have more cardiac surgeries, more cataract procedures, more MRI scans, more CT scans, more hip replacements and more knee replacements. We think that's in the interests of the people of Ontario and nothing will stop us from moving forward in that regard.

The Speaker (Hon. Alvin Curling): New question?

Mr. Runciman: Again to the Premier: The specialists and surgeons of Ontario unanimously signed a letter challenging your approach and your priorities for our health care system. We're going to take the advice of Dr. Janice Willett, Dr. Phillip Barron, Dr. Andrew Budning, Dr. Lee Errett and Dr. Richard Johnston, to name a few, over your political manipulations any day.

But this raises broader questions about your ability to set priorities and lay out a clear plan for health care. You've already shown that you're willing to spend \$400 million on a swanky new hotel in a Liberal riding in Windsor, while telling hospitals to cut \$170 million. Doctors believe you're doing the wrong thing. The latest polls show Ontarians think you can't be trusted. Your answers today show that you have no real answers. Premier, when will you lay out a clear plan for health care?

Hon. Mr. McGuinty: We've laid out the plan. You just don't like our plan. We have a plan to improve quality of care for Ontario patients. We're making specific increases in a number of distinct areas, five in particular. You don't like that plan. You don't think we should change the system to improve the quality of care for Ontario patients. We understand that. You would prefer that somehow we reduce the increase in public funding and open it up to the private system. But we're not for that. There is a very clear distinction here. We prefer to work within the public system to increase the number of procedures that are available to Ontario patients. That's our choice. We won't apologize for that.

The Speaker: Supplementary?

Mr. John R. Baird (Nepean-Carleton): Premier, Ontario's doctors don't like your plan, the 757 nurses to whom you're giving pink slips don't like your plan and, I'll tell you, the men and women who run Ontario's public hospitals don't like your plan either.

I want to share some facts with you from the former president of the Ottawa Academy of Medicine. Although you're continuing the program of hiring international medical graduates, as started by the previous Progressive Conservative government, those physicians will not practise for three to five years; our new medical school, scheduled to open this year, which was announced more than two or three years ago by the previous government, will not graduate new physicians for seven to 11 years; and 20% of Ontario's 22,000 physicians will retire in the next four years.

Premier, stand in your place and tell us what your plan is for physician availability today, not in 11 years.

Hon. Mr. McGuinty: As it's always helpful to remember what it was the Tories did on their watch, when it comes to the number of doctors in Ontario, we went from 63 underserved communities to 142. When it comes to the number of nurses, the former government spent \$400 million to fire thousands of nurses. When it comes to hospitals, the former government cut \$557 million over two years, closing 28 hospitals and over 5,000 beds.

We will continue on our path to make additional investments in public health care. We will increase the

number of nurses who are there to serve Ontario patients, and we will increase the number of procedures that will help Ontario patients as well.

Mr. Baird: I say to the Premier, doctors, nurses and their patients find your priorities to be stunning. One day, you tell hospitals to cut \$170 million and to fire 757 nurses. The next day, you announce a swanky, five-star hotel in Windsor.

Your priorities are all wrong. Specialists and surgeons have said so unanimously. They say you're creating two-tier patient care. Patients waiting for arthritis treatment, patients waiting for admittance to a chemotherapy clinic, diabetes care, emergency room care and gynecology services are told they've got to go to the back of the line.

Premier, why are you creating two-tier health care for these important health care services? Would you stand in your place and tell your Minister of Finance that this is not a laughing matter?

Hon. Mr. McGuinty: The irony here is just a little bit rich, particularly for the member opposite, a member of that particular party, to somehow accuse us of endorsing two-tier health care. Because the facts are important in this debate, I think it's important for Ontarians to understand, and the member opposite in particular, what we have done and continue to do with respect to our plan for health care in Ontario.

So far, we have put in place funding for 3,052 new full-time nursing positions. The first 45 new family health teams will shortly be announced. We've had over 200 applications for those 45 spots. We have 21,000 more Ontarians receiving home care this year. We have in place a new vaccination program, for the first time ever covering under the public health care system vaccinations against meningitis, for example. We are working to increase our MRI and CT scans by a whopping 20% more—

The Speaker: Thank you.

MUNICIPAL FINANCES

Mr. Michael Prue (Beaches–East York): My question is to the Premier. Mr. Premier, you have failed the city of Toronto and all the people who live in it. You have absolutely no plan to pay the \$47 million you owe that city for cost-shared services. What are ordinary families faced with? They are faced with property tax hikes, user fee hikes, transit fee hikes and program cuts. We want to know, who in your caucus—

Interjections.

The Speaker (Hon. Alvin Curling): Order. It's a very important question and I'm getting a discussion going across from the member from Nepean–Carleton and the member from Windsor. Please start your question again. I will start at the beginning. Let me hear the question from the member for Beaches–East York.

Mr. Prue: Thank you very much. I'll start again.

Mr. Premier, you have failed the city and the people of Toronto. You have no plan whatsoever to pay the \$47 million that you owe for cost-shared services. Ordinary

families are being faced with property tax hikes, user fee hikes, transit fee hikes and program cuts for valued services. Who in your caucus stood up for Toronto? You have 19 MPPs on that side of the House who have said absolutely nothing. Where are they? Where are Ministers Caplan, Kennedy and Chambers? Missing in action. Where are Ministers Phillips, Bryant and Smitherman? Missing in action. Where are Ministers Kwinter and Cordiano? Missing in action. When are the 19 missing-in-action Liberal MPPs going to start demanding your government begin paying your fair share for provincially mandated programs?

1450

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): This is the first time I've ever heard \$45 million being described as "missing in action." We consider that a significant contribution to the well-being of the city of Toronto and the people who enjoy the privilege of living there.

The good news is, after years of underfunding, after years of suffering from a government that went out of its way to pick fights with the people of the city of Toronto, there is finally on the job here a government that is dedicating itself to strengthening the city of Toronto. This \$45-million contribution is just one more example of our commitment to the city of Toronto.

The Speaker: Supplementary.

Ms. Marilyn Churley (Toronto–Danforth): You got that right, Premier. You owe the city of Toronto at least \$47 million for social services. You owe them that. Ordinary families will pay higher property taxes and higher user fees because you have no plan to pay your fair share for cost-shared services. Your 19 Liberal MPPs seem to have developed laryngitis. We're hearing they won't even return their constituents' phone calls on this. Hello, anybody out there? Hello. Kathleen Wynne, Laurel Broten, Donna Cansfield, Mike Colle and, finally, Brad Duguid: missing in action.

Premier, this is very serious. When are the 19 missing-in-action Toronto Liberal MPPs going to stand up, like they did in opposition, for their city and demand that the McGuinty government start paying its fair share?

Hon. Mr. McGuinty: This year the government is flowing a record amount of money to the city of Toronto: a total of \$217 million. Additionally, over the course of the next three years we will be flowing another \$355 million in gas tax funding, something that has never, ever been done before.

I am very proud of the support that we are lending to the city of Toronto. I am proud of the good, solid working relationship that we have with the city of Toronto. I am convinced that, over time, by working with the city of Toronto, we will have in place a new City of Toronto Act and we will have the city of Toronto on a stronger fiscal footing. It will be a greater champion of its own destiny. It will be stronger, and that will serve not only the people of Toronto but the people of Ontario.

The Speaker: Before we get the final supplementary, could I ask the member for Nepean–Carleton to come to order, please, and stop heckling across.

Mr. Rosario Marchese (Trinity–Spadina): Premier, you are not paying your fair share for cost-shared programs with the city of Toronto. You owe the city of Toronto \$47 million. What does this mean for ordinary families? We are going to see higher property taxes, we are going to see higher user fees and, more importantly, we are going to see cuts to services such as parks, housing, transit, policing and roads.

Toronto Liberal MPPs, I say to you, stop the silence and speak up for your city like you promised you would. I say to the others, where are you? Shafiq Qadri, Tony Ruprecht, Mario Sergio, David Zimmer, Lorenzo Berardinetti: Where are they? Missing in action. When are the 19 missing-in-action Toronto Liberal MPPs going to stand up for the city and demand that the McGuinty government start paying its fair share?

Hon. Mr. McGuinty: Again, 45 million new dollars this year—unprecedented. Beyond that, a total of \$217 million more this year. That is the total. Beyond that, over the course of the next three years, \$355 million more for the city of Toronto for the purpose of investment in public transit. This is good news for the people of Toronto.

But beyond that, we are prepared to do something that no government in the history of this province has ever sought to do before: to establish a new, positive working relationship with the city of Toronto, to recognize its maturity, to put it on a solid fiscal footing, to enable it to grow stronger and thereby make our province and our country grow stronger. Those are our aspirations for the city of Toronto. That's our vision when it comes to a strong Toronto for a strong Ontario.

AUTOMOBILE INSURANCE

Mr. Howard Hampton (Kenora–Rainy River): Premier, you promised to reduce auto insurance rates. Instead, you have wrestled insurance profits to the ceiling. You have aided and abetted big insurance in a massive rip-off of Ontario drivers and accident victims. This weekend, Ontario drivers, hurting from sky-high insurance rates and cuts to accident benefits under your government, learned that big insurance has raked in an obscene \$4.2 billion in profits, a 70% increase over the record profits they had a year before.

New Democrats believe that the obscene profits of big insurance should be returned to the drivers who have been ripped off. Will you force big insurance to roll out a rip-off rebate?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Here again, I think we should compare and contrast. From 1990 to 1995, under the NDP watch—those were the people who promised us public auto insurance, you'll recall—auto insurance rates went up some 27%. During the Tory years, 1996 to 2003, rates went up some 36%. During our first year on the job, I'm proud to report that rates have come down by 10.6%.

Mr. Hampton: Premier, I invite you to go out to any town, any city, anywhere and try to find somebody who

has had a reduction in insurance rates. The truth is, you are so deep—

Interjections.

The Speaker (Hon. Alvin Curling): Order. Stop the clock. Could I get some order, please. The leader of the third party was in the supplementary question.

Mr. Hampton: Premier, the truth is, you're so deep in the pockets of big insurance that you come up spitting lint. Here's the reality—

Interjections.

The Speaker: Order. Would you either rephrase or withdraw the comment you just mentioned.

Mr. Hampton: Here is the reality. Insurance profits last year were up \$2.5 billion; this year, they're up to \$4.2 billion. It is obscene. It is 12 times what they made in 2002, and you have the audacity to say that drivers and insurance victims are getting a good deal. Drivers and insurance victims across Ontario are being ripped off, and you're helping the insurance companies.

We believe that these obscene profits should be returned to the drivers who have been ripped off. The question is, will you bring in legislation to force the insurance companies to return the money? A rip-off rebate, now.

1500

Hon. Mr. McGuinty: Storm those insurance build-ings, eh?

We're proud of the fact that so far we've been able to bring insurance premiums down by 10.6%. The leader of the NDP says that this is fictitious. Why does he not just turn around and talk to Michael Prue, a member of his own caucus, who is enjoying some of the benefits of our government's policy, who has enjoyed a significant rate reduction as a result of the efforts we have made?

I think this sums it up: Between 1990 and 1995, during the NDP years, rates went up by 27%. We've been on the job for a little over a year; we've brought rates down by 10.6%. I'll put our record up against their record any day.

Mr. Hampton: I invite the Premier to go to any community in Ontario and talk to anybody who's trying to insure their automobile and try to peddle that story and see how far he gets.

This is what's happened. The standard collision deductible: You want to increase that from \$300 to \$500. As well, you've got situations where people, in terms of pain and suffering deductibles—that has been increased substantially. What's the result? When people are hurt in an accident or their automobile is injured, they're afraid to make a claim. Why? Because they know, if they do make a claim, their auto insurance rate will skyrocket after that.

Premier, the auto insurance companies have made obscene profits in 2003 and now in 2004, and you've helped them. Will you bring in a rip-off rebate now so that you can finally help the drivers instead of helping the insurance companies?

Hon. Mr. McGuinty: The leader of the NDP just can't handle good news. Insurance premiums are coming down in the province of Ontario by 10.6%. That hasn't

happened in 15 years. He remains incapable of accepting this good news for Ontario motorists: Insurance premiums have come down; we are working as hard as we can to help those come down still more. But I will again say that I will gladly compare our record against that of the NDP or that of Conservatives any day when it comes to what's happened to insurance premiums in the province of Ontario.

HEALTH CARE

Mrs. Julia Munro (York North): My question is for the Minister of Health. Doctors and patients in my riding can now clearly see that the McGuinty Liberals have no plan for health care. Your announcements so far mean nothing to doctors like Dr. Shawn Whatley, who works in the emergency department at Southlake hospital. He wrote to me that every day, 10% to 15% of patients who show up have no family doctor; 25% to 45% of ambulances are sent away. Yet there is a whole wing of the ER full of empty beds. There are just no doctors or nurses to staff them.

Minister, when will you stop poisoning the climate in health care and start work on a plan to increase access to doctors?

Hon. George Smitherman (Minister of Health and Long-Term Care): It comes as somewhat startling, a question like that, from an honourable member who was part of a party that, while in government, watched and waited and did absolutely nothing to increase medical school capacity. Your legacy, when combined with the other opposition party in this Legislature, means that for six or seven years, we stood by collectively—those two parties—while 13% reductions in medical school spots took place, meaning that Ontario has been shortchanged to the tune of at least 500 doctors.

In the time since, what have we done? We've moved to act. We've more than doubled the capacity to take international medical graduates and turn them into productive doctors in local communities. We've enhanced the capacity of the College of Physicians and Surgeons to go into other jurisdictions in North America to help bring doctors here, working overtime to make up for the sheer neglect of that party when in office.

Mrs. Munro: The minister seems to have a briefing note from the past government. We are the ones who introduced the first medical school in 40 years. We are the ones who increased the number of spaces in the existing medical schools.

Dr. Whatley says you have abandoned him to provide care without the colleagues or resources to do so. He says that physicians are leaving Ontario while George Smitherman tries to steamroll a take-it-or-leave-it approach to negotiations with doctors.

Dr. Whatley hears patient after patient in emergency apologize to him for having no family doctor. They just cannot find one. Yet your ministry's priority is a massive bureaucratic reorganization to replace district health councils with local health networks. Why are the

McGuinty Liberals putting the needs of health care bureaucrats ahead of doctors, nurses and patients?

Hon. Mr. Smitherman: The honourable member stands and speaks about Southlake hospital in her riding, a hospital that has seen the largest increase, I believe, of any hospital in the province of Ontario: some 56 million additional operating dollars and, further, in York region, more than \$57 million in additional investments.

And this note from the honourable member where she pretends that for the first four years of her party's life in government they did move on doctor shortages, they did increase capacity in medical schools? No, you didn't, and your legacy, combined with that party, for the first four years was that you did nothing. You sat by and you did not increase capacity. As a result, 500 doctors were lost to the province of Ontario.

We have a deal on the table, working hard with the Ontario Medical Association: more than \$1 billion in new resources to underscore the commitment that this government has to doctors and communities that have been left behind by your party while in office.

EMPLOYMENT STANDARDS

Mr. Peter Kormos (Niagara Centre): To the Minister of Labour: Minister, bosses in this province are trampling on workers' rights, and you're letting them do it. Your ministry received a written complaint today. It's about workers who distribute Torstar newspapers in the Hamilton area. These workers are picked up every day in the very early morning hours at prearranged meeting points and are paid \$6 an hour cash to deliver papers for the following 10 and 11 hours. They're told that they'll be paid nothing if they do not complete the entire day.

Minister, what's the point of having minimum wage laws or other employment standards legislation if Torstar and their subsidiaries know they can break them on a daily basis because you're not enforcing them?

Hon. Christopher Bentley (Minister of Labour): Thank you very much for the question. I'd like to thank the member for bringing that issue to my attention. I'll certainly take time to look into it.

This government has a very good record of enforcing the laws that protect the most vulnerable people in the province after, as the Provincial Auditor said, 15 years when that member's party, the opposition today, did nothing to enforce employment standards legislation in the province of Ontario.

Fact: After nine years, the minimum wage went up last year and will again this year. Fact: We have increased the enforcement of the Employment Standards Act to make sure the rules on the book are actually enforced. Fact: We are conducting more than 2,000 proactive inspections of the Employment Standards Act, a factor that the auditor said was necessary to ensure the accurate and fulsome enforcement of the Employment Standards Act. Fact: The most vulnerable in this society are going to be protected under this government's policies, unlike under the policies of the previous two groups.

Mr. Kormos: You said there was going to be a crackdown, but all we've seen is a Liberal back-down. These are the most vulnerable workers in the province. These are mostly men being picked up in the very early morning hours, being driven off to locations in Hamilton and the Hamilton area, and being told to work for \$6 an hour, 10 to 11 hours a day, no statement of earnings at the end of the day—they're paid cash—no deductions for Canada pension plan remittances. What could be a more egregious violation of those workers' rights under the Employment Standards Act and other legislation?

Will you please stand today and tell this assembly that you're going to launch a complete investigation, an aggressive and thorough investigation, and that charges, where warranted, will be laid not only against corporations, but against individuals responsible for this incredibly vehement attack on workers and their rights here in the province of Ontario?

Hon. Mr. Bentley: The member would have us proceed from statement to charges and prosecution within about two minutes and 30 seconds. Fortunately, that isn't the way the law works. The matter has been raised in the Legislature. I will look into the matter to determine what, if anything, is before the ministry by way of complaint or investigation. We are determined, as I said before, to ensure that the most vulnerable people in the province of Ontario are protected, and we will abide by that commitment.

1510

MUNICIPAL FINANCES

Mrs. Donna H. Cansfield (Etobicoke Centre): It may be that \$217 million is a mere trifle to my colleagues across the way—or \$45 million, for that matter—but I think what's really important is the ambivalence that has been going on for so many years. Every year the city of Toronto comes cap in hand to the government.

Ms. Marilyn Churley (Toronto—Danforth): They do not.

Mrs. Cansfield: They do so. They have for years. As long as I can remember, they have had chronic underfunding. It needs to be dealt with in a far more strategic way.

My question is to the Minister of Municipal Affairs and Housing. I want to know what we're planning to do to repair the damage they did, both the Tories and the NDP.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Let me just reiterate the comments that were made so ably by our Premier earlier about our situation with respect to the city of Toronto. We are giving more permanent funding to the city of Toronto than any other government before us, despite our fiscal situation. We all know about the \$5-billion deficit that party left us as a government when we came to power less than 15 months ago.

Let's just look at the facts. We are giving them \$80 million more than two years ago; \$50 million more than

last year. And the news gets better: Next year, they're going to get an additional \$95 million. It's going to go up to \$312 million.

We are doing everything we possibly can for the city of Toronto. They are the economic engine of Ontario, and they deserve and are getting the help of this government.

The Speaker (Hon. Alvin Curling): Supplementary.

Ms. Kathleen O. Wynne (Don Valley West): As one of the Toronto members on duty and working for the city, I want to ask the minister a question about the working relationship between the provincial government and the city. I know, as someone who fought the previous government every day it was in office, that that working relationship has not been in place. I know that our government is working to put a more positive working relationship in place. So I ask the minister, what are we doing to move forward and create a stronger relationship between the province and the city of Toronto?

Hon. Mr. Gerretsen: I'd like to thank both members for their questions. Let me say, first all, that the tremendous work this government is doing couldn't be done without the tremendous help of the 19 MPPs from the city of Toronto, both inside and outside cabinet. We want to make sure that the city of Toronto is a world-class city, and the only way we can do that is by giving the city of Toronto the legislative powers, the fiscal powers, to basically run their own show. They are a mature level of government. We're working with them so that the City of Toronto Act can be amended to truly make the city of Toronto a world-class city that all of us in Ontario can be extremely proud of.

DOCTOR SHORTAGE

Mr. Norm Miller (Parry Sound—Muskoka): My question is for the Premier. Last week I asked what you were going to do to help the residents in Geraldton, who will find themselves without a doctor in the spring. Frankly, your answer was abysmal.

Thunder Bay doctors are offering to fill the gap, but for your information, the Geraldton Medical Group serves an area of 7,500 square kilometres, so that's not a reasonable solution. Dr. Johnstone of Geraldton says that staffing shortages at the hospital are taking their toll on doctors, who are working from 80 to 100 hours a week. That puts doctors and patients at risk.

Premier, be clear: When are you going to get a deal for doctors that will retain and attract doctors to northern Ontario?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): As I had the opportunity last week to commit to this House and to the people of Geraldton, our government stands beside them. We're working very hard with the local member and the mayor, who's in town—I'll be meeting with him tomorrow—to continue to work toward a resolution to this. We have some more

positive news with respect to some of those that are practising there now, remaining as a foundation for progress moving forward.

These are very well funded positions, as a result of funding through the rural and northern group physician agreement. We think this is a very suitable part of the attraction package necessary to make sure that small communities like this continue to have access to the vibrant health services they require.

With respect to the agreement with the Ontario Medical Association, both sides are working very hard toward an agreement. It's a challenging environment, of course, because there is a limitation on the resources available, but the more than \$1 billion in new resources in 2007-08, we believe, are a very good foundation for making sure that doctors are appropriately compensated in our province.

Mr. Miller: A national survey of Canada's physicians reveals that Ontario doctors feel their patients do not have access to the health care they need. Geraldton has proved that this is true. Some of the doctors in Geraldton are leaving the province and others are moving out of the north. For Geraldton doctors, this is not just about the money; it's about the gruelling hours. You've laid off nurses, you've antagonized doctors; your government is creating a climate that is toxic to health care providers.

Minister, you promised to increase the number of doctors and nurses working in the north in the past election. When are you going to make good on your promise for northern Ontario?

Hon. Mr. Smitherman: In fact, this is already occurring. The member wants to talk about nursing in Geraldton and the like. There's no implication for our government's budgets except additional resources for all of the hospitals in the province of Ontario, including those that serve people in communities like Geraldton.

With respect to physician supply, the honourable member must take some responsibility for the role that his party played while in government, even though the member beside him is unwilling to do so. We've obviously made progress, as we move toward the opening of the Northern Ontario School of Medicine with its first attendees. That is attracting very—

Interjections.

The Speaker (Hon. Alvin Curling): Order. New question.

FIRST NATIONS MINING AND FORESTRY REVENUES

Mr. Gilles Bisson (Timmins-James Bay): My question is for the Premier. Premier, you'll know that last month there was a barricade in the community of Kashechewan, a First Nation that is on James Bay. The barricade was put up by a number of community members to block access to the De Beers mining project when it came to moving supplies and materials into that project. Why did the community shut it down? Simply because they felt they didn't have adequate compensation

when it came to revenue-sharing out of that particular project.

New Democrats have proposed a bill. It's Bill 97, the revenue-sharing act for First Nations. It is currently in committee. Your government supported it at second reading. First Nations leaders and other people in northern Ontario want to know, so that we can continue developing northern Ontario, is your government prepared to allow this bill to finish its time in committee so we can bring it forward for third reading this spring?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): For the Attorney General.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): We are committed, I say to the member, to looking at and pursuing new opportunities and a new approach that will include some aspect of revenue-sharing.

The member has a bill that's before the House. I know that it went to committee hearings and had a good public hearing. A number of people at the public hearings, though, showed up and said that there were real problems with the bill itself. I think we're in agreement about the principles here, and we have a long-standing commitment to that. We are going to, as a government, be pursuing that, and we're doing that.

The bill itself is being considered. The bill is a bill, but let's be clear: The bill has flaws with it. I don't think the complaint of the member is with the bill itself, but I'll let him answer in the supplementary.

Mr. Bisson: Well, that was as clear as mud. Let me try it again. Minister, I admit, as the author of the bill, and New Democrats admit as we're carrying the bill, that there are amendments that need to be put forward. Where we're at now is that the bill is now in committee. We want to propose amendments that respond directly to the issues that were raised not only by First Nations but also by forestry and mining companies and others who have come forward.

There's unanimity on this. First Nations and resource development companies and everybody agree that if we don't deal with revenue sharing, there will be no development north of 51; De Beers water projects, mining, forestry are not going to go forward. We will continue with blockades. We need to deal with this issue. This bill is a step toward making that happen. So my question, simply, is this: Are you prepared to allow that bill to finish its time in committee—we need a day, two max—and bring that bill, after it's amended, into this House for a vote at third reading this spring?

1520

Hon. Mr. Bryant: We have to make sure that we get the revenue sharing right, obviously. We have an announcement today with the appointment of David Peterson, negotiator on behalf of the government with First Nations on a broad approach.

Mr. Bisson: It has nothing to do with mining.

Hon. Mr. Bryant: It has everything to do with a new approach between Aboriginal peoples and the govern-

ment of Ontario. We want to have a new approach that looks at the needs, that looks at what needs to be delivered, that assesses how we're delivering it and provides better delivery of government services to Aboriginal people. We want a better future for Aboriginal people in Ontario. That will include taking a good, hard look at exactly how we proceed with resource sharing, and we will be doing that, I say to the member.

ILLEGAL TAXI OPERATORS

Mr. Vic Dhillon (Brampton West–Mississauga): My question is for the Minister of Transportation. It was over a year ago that I was campaigning to become a member of provincial Parliament. During this time, an important issue came to my attention from the taxi and limo operators. Along with my fellow colleagues from Peel region, we met with the taxi industry, including the airport limousine operators, to talk about problems they were experiencing. This was a problem of illegal taxi operators. All over Ontario, the taxi industry is expected to provide safe, fair and reliable transportation not only for our residents but also for visitors to Ontario. We know there are unlicensed taxi and limousine operators out there who operate without having their cars meet safety standards and without appropriate training or holding adequate insurance. We also know that there are unsuspecting travelers falling victim to illegal taxi operators. Does the bill you introduced today help with this issue?

Hon. Harinder S. Takhar (Minister of Transportation): First of all, I want to thank my colleague from Brampton West–Mississauga, not only for asking this question but for taking a keen interest in the issue for a very long time.

I am very much aware of the meeting that my colleague is talking about, and our Premier was present at that meeting. Our Premier has shown a keen interest in our moving forward and addressing this long-outstanding issue, which the previous government has failed to address, not once or twice; they have never been able to address this issue.

I'm also very much aware of the horrible story that my colleague is talking about. The bill I introduced today will address the long-outstanding issue of the taxi operators they have been fighting about for a very long time. Mr. Speaker, I will be—

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale): I am pleased to hear that we have listened to the problems faced by this industry and that we are working to resolve them. As you said in your earlier statement to the House, this is an important safety and consumer protection issue, in addition to being a threat to the livelihood of legitimate taxi and limo operators across the province. I trust that in your supplementary you will talk about the details on how we plan to address the problem of illegal taxi operators. I am sure you're also aware that perhaps not everyone understands the extent of this issue. Do you have any information on how often something

like this happens, and just how large a problem this is? Mr. Minister, I know that some people will think this is favouritism toward the airport limo operators. What does this proposed piece of legislation do to assure that it addresses all the aspects of this problem?

Hon. Mr. Takhar: I want to thank my colleague from Bramalea–Gore–Malton–Springdale for his interest and also for his question.

The bill that I introduced today, if passed, will make it an offence to transport passengers for compensation without having a valid taxi licence or a permit from an airport or airport authority. The offence could be applied to a driver, a person who arranges for transportation using an illegal operator, or to the owner of a vehicle who knowingly allows their vehicle to be used to provide illegal or unauthorized transportation services. The penalty would be a fine, upon conviction, of from \$300 to \$20,000 and licence suspension or a plate denial upon renewal if the fine is not paid.

ACCESS TO HEALTH CARE

Mr. Frank Klees (Oak Ridges): My question is to the Premier. Mr. Rick Sgroi of Richmond Hill will die without enzyme replacement therapy. His wife, Mara, wrote you a letter, and I want to quote from that letter: "It has now been a month since my last letter to you and ... I have not had a personal reply from you." She goes on to say, "I have stopped asking for your compassion—you have none.... I say, for shame to you all when costs and discrimination dictate who lives or who dies. I charge you with pulling the plug on the life support system of Fabry patients and that is a premeditated criminal act!"

This is from Mara, whose husband, Rick, will die without enzyme replacement therapy. I'm going to ask you—because they're watching this afternoon and they know that I'm asking this question—to stand in your place, look at them, and tell them why you aren't prepared to instruct the Minister of Health to do what has to be done to ensure that Rick has the medical attention that he needs to live.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): I think obviously we all express concern around patients who are feeling in these circumstances. We also have some responsibilities that are very challenging from time to time. This is one of those.

We're operating under a regime, frankly, with respect to the honourable member, that his party helped bring in in our country, and that is utilizing a common drug review so that all provinces and territories could have the benefit of working together with a view toward determining the clinical efficacy of any product before it's listed on our formulary. This is the process that was established. The company didn't like the way it worked the first time around, and upon application and at their instigation, a further review is ongoing.

I think the thing that has shocked us is that the company has decided to treat different Canadians in different

fashions. There has been an unequal view on their part. They began offering this product on a compassionate basis. I believe that if they believe as fervently in their product as they claim to, they should continue to support it while this process is ongoing.

The Speaker (Hon. Alvin Curling): Supplementary?

Mr. John R. Baird (Nepean—Carleton): I want to put the supplementary back to the Premier. I know you to be a decent man, someone who cares deeply about your hometown—about our hometown. I want to put a face on this problem, the face of Carolyn Auger of Ottawa. She has worked hard. She has played by the rules. Her illness is debilitating. Her illness is life-threatening. At this tragic time in her life, she needs the help of her community, she needs the help of her provincial government.

I want to make a direct appeal to you. It's never too late to do the right thing. Premier, would you step in and solve this problem for Carolyn Auger and the very, very small number of citizens who are dealing with this tragic illness? Would you do that, Premier?

The Speaker: The Minister of Health.

Hon. Mr. Smitherman: The honourable member knows from his time in government that every single day in the province of Ontario pharmaceutical companies put product on offer to patients. But obviously, before we make decisions that say we're able to support it through our government's formulary, those products are to go through a process that is science-based, that helps to determine the clinical efficacy of any product. This is an essential step in an environment where there is absolutely no alternative to science.

1530

The reality is that the honourable member suggests that politics and emotion are what should make up decisions around this, but obviously, given the number of products that are available on any given day, it's absolutely essential that we work in the process that that party helped to bring in while in government. That's the common drug review. In the meantime, we say to that company one more time: If you believe as fervently in your product as you claim to, you should continue to offer it on a compassionate basis.

Mr. Frank Klees (Oak Ridges): On a point of order, Mr. Speaker: I cannot believe that the Premier refused to answer my question.

Interjections.

The Speaker: I presume your point of order is asking for a late show on this.

Mr. Klees: Point of order—

The Chair: You're asking for a late show, and I understand, but you did not ask the question yourself. So I'll have to proceed in asking for a new question. Could this point of order—we are encroaching on question period time.

TENANT PROTECTION

Ms. Andrea Horwath (Hamilton East): My question is for the Premier. Premier, it surprises a lot of people

that tenants in Ontario who pay for their utilities, like gas and water and hydro, as part of their rent could lose their unit's vital services if the building owner fails to pay the utilities on time. It's hard to believe that in this day and age there is no law in Ontario that protects tenants from having the utilities being disconnected when their landlord fails to pay.

Last month in Hamilton, a 118-unit rental building lost their hydro, or almost did, through no fault of their own. They were paying for that service in their rent, but they were caught in a squeeze between the Hamilton hydro utility and a delinquent landlord. After I raised that issue in Hamilton, city council went on to put a bylaw together to cover off that issue. But there are many parts of Ontario, many parts of this province where tenants don't have a municipal bylaw protecting them.

The Speaker (Hon. Alvin Curling): Question?

Ms. Horwath: I've just introduced a bill today that would afford basic disconnection protection to every tenant in Ontario. Premier, will you support that bill?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Municipal Affairs and Housing.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member for the question. As she has stated, the Tenant Protection Act right now enables municipalities to pass bylaws with respect to vital services. However, having listened to the bill, we'll certainly look at it, study it closely and see what we can do with that, because it certainly seems to me, just on a personal basis, totally unacceptable for services to be cut off because a landlord in effect hasn't paid for those services to the utility company when, in fact, the rent has been paid to that landlord.

Ms. Horwath: I would agree with you, Minister, in your opinion. No government should be allowing bad landlords to deprive tenants of their essential utilities. But without the protection of the bill that I introduced, tenants will be finding themselves in these billing disputes, often between the utility and the landlord. I remind you that the tenants already pay for the utilities in their rent, so the bill would ensure they don't lose their water, power or air conditioning. My bill protects both the tenants and the utility company itself, in fact, because what it does is enable the provincial government to intervene with liens and orders that will effectively pressure bad landlords to pay up.

I can't see why anybody—yourself, Minister, myself or anyone in this House—would be against the protection of these tenants. Will you work with me, then, to see that this particular bill becomes part of the measures of the Tenant Protection Act?

Hon. Mr. Gerretsen: As the member knows, we're doing an extensive review of the Tenant Protection Act currently and this is certainly one of the issues we're looking at. We've had excessive consultations already. However, we'd be more than pleased to speak to the member, to see how her idea can be placed in a government bill.

IMMIGRANTS' SKILLS

Mr. Tony Ruprecht (Davenport): My question is to the Minister of Training, Colleges and Universities. In a few short years, immigrants, especially those who are very skilled, are expected to account for all of Ontario's workforce growth. That's why we have to be committed to opening the doors and taking away the barriers for internationally trained professionals. Today, I even heard the member for Nepean—Carleton giving us credit that we're now training international medical graduates, and I want to thank him for it. In fact, this government has done more in just 18 months to help internationally trained professionals gain access to employment than the previous two governments did in 12 years.

Minister, in January of this year, our government introduced the first annual progress report on what has been accomplished and what needs to be done. It's called *An Investment in Prosperity*. Could you share with this House the important benchmarks of these successes that are described therein?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): Let me first thank my colleague, the member for Davenport. He has been relentless over the years in the work he has been doing in this area.

Applause.

Hon. Mrs. Chambers: Thank you, my friend.

This report you showed just now, *Opening Doors: An Investment in Prosperity*, is an indication that our government is prepared to show leadership on this file. Not only are we holding our partners accountable for the progress they're making, but we are intending to demonstrate our accountability for this file, because we know it is this kind of initiative that will ensure we have the skilled workforce that will drive our prosperity agenda for many, many years to come.

I look forward to a supplementary.

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. Phil McNeely (Ottawa—Orléans): We have certainly come a long way. Highly skilled immigrants who arrive in my riding will now have more services available to help them make a full contribution to our province's prosperity. Our local economy is sure to benefit when we have the opportunity to take advantage of the immense skills at our doorstep. While we have accomplished a great deal in this area, I know the job is not finished. After all, the progress report is the first annual report, with the next report due in 2006.

Minister, what will our government's priorities be on this front, as we work to continue to improve access for the internationally trained?

Hon. Mrs. Chambers: In this first year, we placed a lot of emphasis on providing information on labour market forces and on the processes required for regulation. We also announced several—we're up to more than 40 bridge projects now that will assist individuals in closing the gaps between the skills they bring and the skills that are required for the Ontario workforce.

We have also worked very successfully with regulators to improve their processes and we will continue over the next year to introduce more of these programs. We will also be measuring the success of the programs we have introduced before. We will be introducing an independent appeals mechanism to ensure that these processes are transparent. I look forward to continued efforts in this regard.

Now it's time for employers to step up to the plate and make sure that their barriers are eliminated so that we can bring these skills to the workforce.

Mr. Frank Klees (Oak Ridges): On a point of order, Mr. Speaker: I want to formally register my dissatisfaction with the response I received from the Minister of Health and would ask for a special debate on enzyme replacement therapy.

The Speaker: I presume the necessary papers are at the table.

On a point of order, the member from Beaches—East York.

Mr. Michael Prue (Beaches—East York): Mr. Speaker, I seek unanimous consent of the House to have the Premier correct his statement in the House today, stating that I had received a 10.6% reduction in my insurance rates. I am sure he is quite mistaken, and wishes to—

The Speaker: It's not a point of order.

PETITIONS

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): My petition involves saving the Huronia Regional Centre in Orillia.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of

excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

Mr. Speaker, I'm pleased to sign my name to this.

1540

The Speaker (Hon. Alvin Curling): Petitions? The member for Brant.

Mr. Dave Levac (Brant): I believe the member for Beaches—East York was up, Mr. Speaker.

Mr. Michael Prue (Beaches—East York): Thank you very much, Mr. Speaker. I have a petition that reads as follows:

"Save Huronia Regional Centre, home to people with developmental disabilities!

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I am in agreement with this and I would affix my signature thereto.

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): I do believe in fairness. That's why I mentioned that the member stood up.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the

passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I sign my name to this petition and hand it over to Ian.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe—Grey): It's another Save the Sir Frederick Banting Homestead petition. I'll just note that Sir Frederick Banting died in a plane crash in Newfoundland on February 21, 64 years ago today.

"To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe—Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank Mr. Peter Banting for circulating this petition.

URBAN STRATEGY

Mr. Lorenzo Berardinetti (Scarborough Southwest): I have a petition which was presented to me by city councillor Gerry Altobello for ward 35 in Toronto. It's addressed to the Legislative Assembly of Ontario and signed by several constituents of his. I'm presenting it on his behalf, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas converted brownfields in the Warden Ave. and St. Clair Ave. area in the riding of Scarborough Southwest in the city of Toronto support the McGuinty government's commitment to urban intensification; and

"Whereas new housing developments require community supports in order to ensure strong communities;

"We, the undersigned, petition the Legislative Assembly of Ontario to ensure that the Ontario government invest in community supports for the Warden Ave. and St. Clair Ave. area, including youth program funding, employment supports, public transit, transportation networks, community policing, community centres and other social service resources."

I agree with this petition and affix my signature to it.

VOLUNTEER FIREFIGHTERS

Mr. Ernie Hardeman (Oxford): I have here a petition to the Legislative Assembly of Ontario:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

"Whereas the Ontario Professional Fire Fighters Association has declared their intent to 'phase out' these double-hatter firefighters; and

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario; and

"Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

I sign this petition, as I agree with it.

ANTI-SMOKING LEGISLATION

Mr. Phil McNeely (Ottawa-Orléans): To the Legislative Assembly of Ontario:

"Whereas smoking and exposure to second-hand smoke is the number one preventable killer in Ontario today, and there is overwhelming evidence that retail displays of tobacco products ... in plain view of children and adults increase the use of tobacco, we have collected 548 postcards signed by persons from our school and community supporting a smoke-free Ontario in 2005 and banning the use of power walls which promote tobacco use.

"We, the undersigned, petition the Legislative Assembly of Ontario to support the Smoke-Free Ontario Act to make all public places and workplaces smoke-free and to ban the use of power walls. The city of Ottawa has been smoke-free since August 2001. All of Ontario deserves clean air."

It's signed by Mary Knight, Celeste Constantineau and Janelle Wilson, and I add my name to this petition.

Mr. Jerry J. Ouellette (Oshawa): I have a petition. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs" and other service clubs as well; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I affix my name.

LAND USE PLANNING

Mr. John Milloy (Kitchener Centre): I have a petition concerning a development in my area.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We believe that the risk of contaminating this major source of currently potable groundwater for our present and future generations is too high to sacrifice for the financial gains of a few. We demand:

"(1) that no action be taken to connect Columbia Street to Wilmot Line Road; and

"(2) that no formal subdivision registration take place until an individual environmental assessment of this project has been undertaken (which will also include the impact of the increased traffic, estimated at 18,000 car trips daily) under the Environmental Assessment Act, and that the currently proposed housing density be substantially decreased."

REGIONAL CENTRES FOR
THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): I have another group from the Huronia Regional Centre in Orillia.

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of

excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

1550

SCHOOL BUS SAFETY

Mr. Ernie Parsons (Prince Edward-Hastings): My petition is prepared by Randy and Eve Jelley of Quinte West, whose son Brandon was tragically killed when run over by a school bus.

"To the Legislative Assembly of Ontario:

"Whereas it has been shown that crossing control arms on school buses reduce or virtually eliminate instances of students being struck by their own bus; and

"Whereas 91% of all front bumper fatalities involve buses not equipped with crossing control arms; and

"Whereas the safety of the children of Ontario is our number one priority;

"We, the undersigned, petition the Legislative Assembly of Ontario to require that all future school buses be equipped with crossing control arms and that all existing school buses be required to be immediately retrofitted with crossing control arms."

I am pleased to add my signature to this petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): Again, I have another group of petitions from the people of Orillia, from the Huronia Regional Centre.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to ... more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live" in the province.

I'm pleased to sign my name to that.

Mrs. Donna H. Cansfield (Etobicoke Centre): I have a petition to save Huronia Regional Centre, home to people with developmental disabilities.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

Mr. Dunlop: Again, it's another one from the folks in Orillia and families in Ontario with clients in the Huronia Regional Centre.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm very pleased to sign my name to this.

Mr. John R. Baird (Nepean-Carleton): On a point of order, Mr. Speaker: I seek unanimous consent for my good friend Mr. Ruprecht to be accorded a few moments

to table his petition from his constituency. He looks like he's quite excited about the prospect, and frankly, I want to know what his constituents are saying.

The Speaker (Hon. Alvin Curling): Is there unanimous consent for the member for Davenport to put forward his petition? Do we have unanimous consent? Agreed.

TTC RIGHT-OF-WAY

Mr. Tony Ruprecht (Davenport): Thank you very much, Mr. Speaker, and especially thank you very much to the member for Nepean–Carleton for his kindness.

I have an important petition that reads as follows:

“To the Parliament of Ontario and the Minister of the Environment:

“Whereas the city filed the ESR, the environmental assessment report, and issued the notice of completion on November 22 ... and initiated a 45-day public review period;

“Whereas environmental impacts of the dedicated right-of-way significantly affect the quality of life of nearby residents dramatically and detrimentally;

“Whereas the availability of other alternatives to the project have not” been carefully considered;

“Whereas the public consultation program and the opportunities for public participation have not been adequate;

“Whereas specific concerns remain unresolved...;

“Whereas the city/TTC have not made their case within the parameters set out by the Environmental Assessment Act. The act defines ‘environment’ to include ‘the social, economic and cultural condition that influences the life of humans or a community.’ The city has not established the need for the project, nor has it adequately assessed the potential socio-economic impacts that would result from constructed dedicated streetcar” rights-of-way “on St. Clair Avenue West;

“Therefore, we, the undersigned, demand that the Minister of the Environment issue a Part II order which would subject the St. Clair project to an individual environmental assessment.”

Since I agree with it wholeheartedly, I'm delighted to present it to you.

ORDERS OF THE DAY

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Resuming the debate adjourned on February 16, 2005, on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994,

repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: I'd like to ask for unanimous consent that, instead of debating this, on behalf of Roger Anderson, the president of the Association of Municipalities of Ontario, we debate Bill 92 this afternoon because we were very interested and concerned about this bill too.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent to debate—

Interjection: No.

The Speaker: I hear a no.

In this last rotation, I understand the government had some time; now it's going to rotate to the opposition side.

Mr. Garfield Dunlop (Simcoe North): I thought maybe Mr. Mario Sergio would be coming in this afternoon. However, I'm pleased to speak to Bill 164, the smoke-free bill.

First of all, I want to point out that I generally support the idea of legislation that begins or continues to try to stop people from smoking in our province. I think it's important that we know that there is a health issue around smoking and, for that reason alone—anything that impacts people's health, we have a concern with it. In fact, I would try to support this legislation if there were some amendments made. I can tell you that the thing that bothers me most right now about the bill is the fact that there are absolutely no exemptions to this particular legislation.

Mr. Baird: What about Legions?

Mr. Dunlop: I've written to some Legions in my riding and some military establishments that serve the public, and I'm very disappointed that there's absolutely no way that the Royal Canadian Legion family can have exemption from this legislation. Why do I feel so strongly about that? In World War I and World War II, as a country, we sent members of our armed forces cigarettes, at taxpayer expense, like we would food or any other commodities they might have used, and a lot of folks continue to smoke to this day. These folks who are members of the Royal Canadian Legion, the remaining people who are veterans of World War II—I think there are only a few people left from World War I—I think deserve an opportunity to visit and have the fellowship and friendship they deserve in their Legions. I actually think there should be a way in this legislation that, in those areas in particular, there be an exemption. That can be done with ventilating systems and small rooms in the particular Legion. I'm not talking about having smoking in the whole building. I'm talking about some smoke rooms for our veterans, to thank them for what they've given us, the kind of freedom and democracy they gave not only to Canada but to people around the world. With that, I think they need that opportunity.

1600

Unless there's an amendment, I won't support the legislation. It's as simple as that right now. I think it's that important that we need a few exemptions in there. This would be the primary exemption that I would be asking for at this time. I'm hoping the minister and the government will see fit. I know there are a number of petitions circulating right now. We've created a few ourselves and we're sending them out to our Royal Canadian Legions and some of our other military establishments around the province asking for their support. Whether or not the government will listen to that depends. They don't listen to an awful lot these days, so that is something that absolutely has to be addressed. I have to say on behalf of the nine Legions in my riding that unless I'm told by those folks to support the legislation, I can't support it unless this exemption is included.

The second area of concern I have with the legislation—and we heard it when the government led off with their opening remarks—is the lack of compensation for our tobacco farmers here in Ontario. People in rural Ontario have had a very difficult time for a lot of years now, but I've been told by a lot of people in the agricultural community that this last year may have been the toughest year they've ever faced as farmers. Many people, not only in the tobacco industry but in all types of industry, whether it's grains, dairy or beef farming, literally generations in some cases—many, many generations; four and five generations—of people who have built their farms, built their businesses, and are having a very difficult time of it. They don't see any reward for their gasoline tax, like the city of Toronto and some of the big cities are getting.

I was really disappointed that the minister didn't stand up today and make an announcement about two cents on the litre of the gasoline that we all pay when we buy gasoline—I would have thought something would have gone to the rural communities, maybe a bridge project, maybe some highways. Why wouldn't they share? Why would the city of Toronto and the large urban centres be the only folks allowed to get the gas tax? That's what people are asking me.

I was out last night at the ROMA conference, as you were, and talked to people. It was a topic of conversation at every table I visited. They were asking me, "Why would we not receive any of the gas tax money when Toronto's getting it, Ottawa's getting it, these large centres, and rural communities aren't receiving it?" It ties right back into the compensation issue that I'm talking about.

If the government is on a movement to eliminate smoking in the province of Ontario, if that's the goal they have, then the people who are growing tobacco, the tobacco farmers who have millions of dollars invested in their operations and decades of family involvement, deserve a compensation package, a transformation package to other crops they might grow in the future, and I haven't seen that. It hasn't been debated. The government, in their leadoff hour, didn't use the word

"compensation" in one sentence—not one time. I think the government of Ontario, the Ministry of Health and the Ministry of Agriculture have a right to come forward and give a good compensation package to the people who grow tobacco.

These aren't villains. These are people who have tried their best to grow their businesses. They've done the best they can over many decades of being in the agriculture business, and I think they deserve to be treated with respect and dignity when it comes to a government that's trying to eliminate their source of income and basically trying to force them out of business. Before I can agree to this legislation, the second thing I have to see is a compensation package for the farmers.

The third item that I'm very concerned about is that this bill has not been passed—it's been debated in the House—but we have seen a very, very aggressive advertising campaign in the media. I would call it government advertising. I don't know what everybody else calls it, but I call it partisan advertising. The government is trying to float this bill, in the eyes of the public, through. I was in a movie a few weeks ago at the Galaxy series of theatres, and here was this stupid—

Mr. Mike Colle (Eglinton–Lawrence): What was the movie?

Mr. Dunlop: I won't even say what the movie was. I think it was *The Aviator*. I couldn't remember: great movie.

But I can tell you that these ads were running on the screen; the site was called stupid.ca and it really made fun of people who smoke and that type of thing. It was put on at the expense of the taxpayers of Ontario. I understand that a full page in one of the big Toronto media is around \$55,000 a day. We're seeing government advertising trying to promote the government's agenda, trying to promote the government legislation, and they are actually paying hundreds of thousands of dollars.

I hope that when people are speaking here today—we have the rotation with the different members from the government side—they'll come out and be forthright and tell us how much they're actually spending on government advertising on this bill. I think everyone has seen these ads now. We have heard them on some radio and seen some on TV. I think there was even one on Super Bowl on Sunday. Of all the complaints this government did—they called our advertising partisan. I think the citizens of Ontario have the right to know. If they don't tell us, we'll get an FOI on it later on and we'll tell the people what they paid for this advertising.

But I don't think it's fair that they do that at this point, when the legislation hasn't even been passed. If it was passed, it might be another story. But today we're debating it, we don't know what the amendments are and we don't know if the government will allow any amendments. I think it's really unfair at this point.

I think that out of all the folks in this room, there is probably no one who doesn't know someone who has died as a result of getting cancer or some kind of heart disease as a result of smoking. I think we all acknowledge that, and that's why after each generation we try to

get fewer and fewer people smoking. I can agree with that because I've had some folks with cancer in my own family who have passed away. However, at the same time, the reasons that I mentioned earlier, such as exemption for some of the folks who are older, like people who go to Legions, the compensation package that I'm asking for and the government advertising—I think there are a lot of questions that have to be asked around the legislation itself and around compensation in general for all folks.

It takes us into another problem that I've got and it deals with the compensation package. I'm glad the Minister of Agriculture is in the House today, because I'm back in my support of compensation from the Ministry of Natural Resources and the Minister of Agriculture for the elk farmers and the hunt parks here in Ontario.

I understand that one of my constituents, Mr. Todd Grignon, the owner of Universal Game Farm, visited with I believe six or eight of the Liberal MPPs last Thursday or Friday up in eastern Ontario. I understand that they were basically supportive of a compensation package and/or the grandfathering package to that group of people: people who are going to be forced out of business very, very shortly; with the regulation, perhaps as early as April 30. I hope you'll listen to your old colleagues, because my understanding is that they agreed with Mr. Grignon and the support for grandfathering and/or compensation in this industry.

It ties in directly with what's happening to the tobacco farmers. You force somebody out of business with government pressure, with government power, and there is no money there to help them. If you put a highway through the middle of their property, the farm would have to shut down or you'd have to give the land away. You'd expropriate it. You would think that at that time the government would have a responsibility under the Expropriations Act. When you're putting a person out of business with government advertising, legislation or regulations, that's a form of expropriation, and there should be a compensation package available to those folks.

1610

I will continue to push for this. Maybe a lot of people don't care about compensation and helping out our rural Ontario citizens, but I'm someone who does care. I care a lot about the people in my riding. I care for a lot of reasons, and I'm thinking of one thing in particular: the minister standing up today and making that announcement, whatever it was supposed to be on, on transportation. I cannot believe—

Hon. Steve Peters (Minister of Agriculture and Food): On a point of order, Mr. Speaker: We've gone from compensation for deer and elk farmers to the Ministry of Transportation's statement today. I'd just ask that you direct the honourable member to stay to the topic and speak to Bill 164.

The Acting Speaker (Mr. Ted Arnett): I won't direct the member to anything, but I will ask the member to continue to speak to Bill 164.

Mr. Dunlop: I'm glad he brought that up, because I was trying to deal with the compensation package and this government's neglect for rural Ontario. I cannot believe what has happened in a lot of cases here. I can think of a number of things just in our part of the province where the government has turned its back on the citizens of our province and the citizens of rural Ontario. Maybe they've got a fight with our Conservative ridings or whatever, but I'm telling you right now that this whole compensation package is very important. It ties into things like their neglect. Why would the minister, the very week that the Rural Ontario Municipal Association and the Ontario Good Roads Association are meeting, not make a nice announcement and help out rural townships, villages and small towns that don't have transit systems? Why would he not help them out with their bridges and some of their traffic systems? Why would we not see that? Why do only the big urban centres get the money? We all pay into that kitty. We all pay into that pot.

I wouldn't support anything with the two cents a litre until everyone got a fair chance. Everyone who buys gasoline pays into it; everyone should be rewarded back. It doesn't matter where you live. Why should it only apply to someone in Toronto? Why should someone in Simcoe county not receive it? Why would the county of Simcoe not receive it?

Hon. Mr. Peters: How about Barrie? How about Orillia?

Mr. Dunlop: There he is. This gets under the Minister of Agriculture's skin because he doesn't want to face the facts. But what about Springwater, what about Severn, what about Oro-Medonte, what about Ramara? Do you want me to name all the townships that don't receive a penny? Yes, Barrie and Orillia get some money, but do you know what? All the citizens of Simcoe county pay their gas taxes. They all buy gas at the pumps, and they pay the provincial gas tax. Why should they and their municipalities not share? Why should the city of Toronto get a newer transit system and the township of Severn not be able to repair a bridge? That's what I think is unfair about it. It all ties into the compensation and this government's treatment of the citizens of rural Ontario.

I've only got a couple of minutes left here, and then I'm going to be turning it over to my colleague Norm Miller, who will be speaking a little later on. I'm sure Mr. Miller will add a lot of things today too about how his riding has been treated; for example, taking Muskoka out of the north, eliminating the Frost Centre—

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): Can you believe that?

Mr. Dunlop: No one can believe that. I've talked to people from all over the province, and they cannot believe that the Frost Centre was closed down by this government. They cannot believe it. A government that bragged about education—the education Premier. The first thing he does is close down an educational wildlife facility in this town in Norm Miller's riding. It's very disappointing. I can tell you that—

Interjection.

The Acting Speaker: I would ask the Minister of Agriculture and Food to come to order, and I would ask the member for Simcoe North to speak to Bill 164.

Mr. Dunlop: I'm glad the minister knows some of the figures from back in 1997, because he sure doesn't know the figures in his own ministry today; that's for sure. The Minister of Agriculture continually ducks areas of concern, public meetings that he should be attending. I've heard he's the minister of ducking. That's what's happening right now.

Hon. Mr. Peters: Name one.

Mr. Dunlop: You didn't show up in Barrie for the ag day. You told everybody you were down in Oxford county, and the people in Oxford county wondered where you were when the farmers—there are a lot of questions you have to answer. To the Minister of Agriculture: If you think you're very popular, you've got a second thought coming. That's the point.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I don't think that's the point here.

Mr. Dunlop: Well, you're the one who is heckling me. I'm just trying to get compensation for the tobacco farmers for this piece of legislation. That's the main concern I have here today. And I'm trying to get the government to make an exemption for our veterans. I think that's not unreasonable. For those two reasons, I would support this piece of legislation, and I think that's only fair. Our job here as the opposition is to bring out concerns we are hearing in our ridings. That's what I'm hearing. I'm hearing from dairy farmers who say, "These people in the tobacco industry down there should be compensated." I think it's a very, very important issue.

As I wind down, with only two minutes left, I want to go back to one more thing, and that's government advertising. I hope one of the people speaking today on behalf of the government will tell this House how much you're spending on government advertising to promote this piece of legislation that has not even been—we're only at the beginning of the debate of the legislation, so why would the government go to the trouble of spending money on this very expensive form of promotion and very partisan advertising? That goes against the intent of the bill they passed earlier that Mr. Phillips was so proud to have introduced.

With that, Speaker, I thank you for this opportunity today. I know you're hearing the same kind of concerns down in your part of the province. You probably met some of the folks from the Ontario Good Roads Association last night. They're wondering about compensation. They're wondering about the treatment of rural Ontario by this government. It has been shabby. We know that. Maybe by the time next Good Roads conference rolls around, they'll have something more positive to say about rural Ontario. But with that, it makes it very disappointing to—you know, I've got to go back down there tonight and talk to a bunch of my constituents who are at the Good Roads convention, and that's what I'll hear all night long. It will be, "What kind of package is

the Minister of Transportation putting together for the folks in the townships and the villages? We're not hearing any of that."

With that, I'm just about out of time. I want to thank you for this opportunity to speak to this very important bill, a bill I will not support unless those issues that I outlined earlier have been addressed and debated thoroughly both in committee and in this House.

The Acting Speaker: Question and comments?

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to make some comments on the debate thus far this afternoon on Bill 164—it's written 146 on my notes here, a little bit backwards.

It's an important initiative for us, as a province, to look at the opportunities we might have to assist people in their efforts to quit smoking. In fact, I look forward to having an opportunity to add my own comments and cautions about the bill as we see it before us. I think the debate so far has had an opportunity to do that.

I know that people at first blush would say, "Everything is great. A bill like this is simply necessary and needs to be put through, and we need to put it through quickly and effortlessly." But I don't think that's the case, quite frankly. A number of different people in the province are concerned about how this particular bill is going to affect their operations, I guess you could say, and I'll be bringing some of those comments forward myself, having just gone through similar discussion and debate in the community I come from when the municipality of Hamilton went through a process of putting smoking bylaws in place for their public places, particularly restaurants and clubs and places of that nature. There are some specific issues that I think need to be addressed.

I'm not sure whether the comments by Mr. Dunlop are going to be taken under consideration by the government, but I do know there are some pieces that I have been made aware of, from both the perspective of workplaces and of investment by various restaurateurs, and different things that have come to my attention—Legions, as was mentioned earlier as well. I'll be raising some of those in my comments as well. I think the debate is a good one and look forward to the end of it.

1620

Mr. John Wilkinson (Perth-Middlesex): I'm also very pleased to join in the debate. Specifically, I want to talk about the member from Simcoe North and his somehow mysterious assertion that the ads being run by public health, targeted specifically to children between the ages of about nine and 13, are somehow partisan in nature. He's referring to the campaign we have going on right now, which is funded by the taxpayers of Ontario, in regard to stupid.ca.

I had the opportunity in the communications committee to take a look at some of the work done by the firm that was hired in this regard, specifically targeted at what are known as tweens, people just before they're teenagers, and how they are heavily influenced by their peers and that we need to get their attention.

I can assure you that if there had been a partisan, in the traditional sense, campaign showing a bunch of middle-aged politicians preaching to a bunch of teenagers that somehow they really should stop smoking, that would be a complete and utter and total waste of the taxpayers' money. Instead, I would recommend to all the members to take a look at those ads. They're not partisan in any sense.

There is a small, fleeting reference to the fact that the government of Ontario, through the taxpayers of Ontario, is paying for it, but I cannot think of any definition in the world that would show that those issues are partisan. As a matter of fact, I would contend that stopping smoking, particularly in young children, children who have been targeted, children who of course learn this habit and then go on to suffer the ravages of this terrible addiction—those children are best preserved and protected by a government that is willing to advertise directly to them. Those ads are extremely effective, and I will be supporting the bill.

Mr. Jerry J. Ouellette (Oshawa): I very much appreciate the opportunity to speak on Bill 164.

As an individual, I don't smoke. Quite frankly, I don't enjoy going into a place with smoke-filled rooms. I make that choice of where I'll sit in those rooms and how I will be affected by that.

With regard to this bill, I contacted the local Legions and the navy clubs and asked the officials elected by their own clubs how it would affect them or what their club thought and how it would go about, and also the director for the Legion, as a matter of fact. There was a suggestion that the individual organizations contact the independent members of each of those areas and discuss what their belief was, because some clubs—for example, the Bobcaygeon club banned smoking on their own and has seen what they believe is a positive impact, where other clubs feel they would be negatively impacted.

But my concern here is that what I see taking place is another edition of the individual's choice being removed. It's not the promotion of negative activities or desired behaviour within a community. What I see taking place is a series of legislation, of which this is another, whereby the civil liberties of individuals to make choices within the province of Ontario—and it's to go on further to what Mr. Dunlop mentioned regarding game farms or whether it's the greenbelt legislation or whether it is dealing with the specific breed legislation. These are choices that are being removed from those individuals.

This legislation, Bill 164, specifically does that. It removes the choice of individuals on how they will operate their business, how they will provide a service within their community. Whether it's a Legion that provides a smoke-free room where employees are not expected or able to participate, it's a choice that's being removed. I have difficulty where government arbitrarily comes in and eliminates public choice in all matters.

Mr. Michael Prue (Beaches–East York): I listened quite intently to the member from Simcoe North, and he spoke on a wide range of issues. In the two minutes allotted to me, I'd just like to cover one of them.

I think he's made a very good point about the farmers of Ontario. The farmers of Ontario have been before the budget and the finance committee for the last two years. As we have travelled across the province, as we have been seeking input to give to the Minister of Finance for the upcoming budget, the farmers of Ontario have been there. They have been talking about the lack of income, the problems they are having within the economy of Ontario. The farmers who specifically farm tobacco have probably been hit the hardest. At one time, there were tobacco farms throughout the province. Those have become smaller and smaller in number as the need for tobacco has decreased.

No one would deny that we should endeavour to ensure that people are made aware of the dangers of tobacco smoking. But at the same time, the farmers have had to invest heavily in machinery for their farms. They have come before the finance committee and told us point-blank that in order for them to get out of the business and not go bankrupt, in order for them to grow crops that are beneficial to the people of Ontario and of the world, in order for them to diversify as they know they must, they are going to need something in the neighbourhood of \$50 million. That \$50 million is not a loan or a grant, but to get rid of machinery that is no longer necessary and that probably cannot be sold anywhere on this continent. It's \$50 million to buy new machinery that will help them plant beneficial crops that would be of value to the province and would help them continue doing what they do best, which is to farm. I think the member should be listened to on this and that the bill should reflect this.

The Acting Speaker: That concludes the time available for questions and comments.

Member from Simcoe North, you have two minutes to reply.

Mr. Dunlop: I'd like to thank the members from Hamilton East, Perth–Middlesex, Oshawa and Beaches–East York for their comments on my short speech.

I guess the person I want to respond to most is the member from Perth–Middlesex, on the government advertising. This is part of the government's agenda. We know very well from polling—we know from any media—that this government is doing a terrible job in health care. The transformation is not working. They've got people mad at them: the nurses, the doctors, the hospital boards. All kinds of folks don't like what this government is doing. This is something that they think can prop up their agenda.

I don't see them putting a million and a half or two million dollars into pit bull advertising or bringing your own wine or promoting the budget. But they put a million and a half dollars, minimum, into government advertising around a piece of legislation that has not been passed. It simply has not been passed; we're debating it. If you want to promote it later on, I can understand that.

I call that partisan advertising, and I think the Integrity Commissioner should look into exactly what this government is doing with taxpayers' money in promoting legislation that hasn't been passed.

I didn't see that with the other piece of legislation. I know Mr. Kwinter has three pieces of legislation sitting out there. Maybe it's time for him to spend a million and a half or two million dollars promoting the gunshot wound bill or the grow-op bill or something like that. Why is he not doing that if the Ministry of Health is spending money on the anti-smoking legislation?

Again, for that point alone I consider that to be government advertising. I've had my chance to wrap up here. I'm saying that government advertising is an issue, compensation for our tobacco farmers is a huge issue and of course the final issue is the fact that there are no exemptions right now for our veterans, the people who gave their lives for this country.

The Acting Speaker: Further debate?

Ms. Horwath: I want to start my comments on Bill 164 by declaring that I'm a non-smoker. Sadly, that's not always been the case. In fact, I just celebrated my fourth year of being a non-smoker about three weeks ago. February 4 was my fourth anniversary as a non-smoker. So I certainly understand from personal experience how important it is to encourage people to quit smoking in the province of Ontario.

It really is a life-changing thing. You have to make a huge shift in your thought processes when you decide to quit smoking. You shift from thinking that you deserve that tobacco to understanding that in fact you deserve to be tobacco-free. I think that's when, certainly for me, I began to hit the road to recovery in terms of my tobacco addiction.

Having said that, I think it's really important to note that I wasn't able to do that alone. It was actually on my third attempt, I think, that I was finally successful in kicking the habit. I am quite confident I will not go back for the remainder of my life, but it took three serious attempts in the last 20 years or so for me to finally be able to kick the habit.

1630

I have to say that I don't think this legislation is going to be enough to make people quit smoking. Putting together a piece of legislation, the short name of which is the Smoke-Free Ontario Act, is not enough to help people quit smoking. What it will do is make it more expensive for people to smoke, and it will force smokers to go outside to smoke because it restricts opportunities for people to smoke indoors in most cases, except in their own private homes, I would think. It will keep cigarettes out of sight, so the temptation, I guess, or the inclination, particularly for younger people, to be lured by the view of tobacco and tobacco products in stores—perhaps prevent them from starting the habit. It will keep these out of sight and maybe prevent some young people from getting into the tobacco game. But Bill 164 won't keep the promises the McGuinty government made in regard to smoking in Ontario.

I'm going to run down some of those promises: \$31 million a year for a youth mass media campaign; \$46.5 million to be set aside for smoking cessation programs, a big chunk of that particularly to subsidize

medication for those who are trying to quit and have been unable to; and \$50 million, a one-time fund, to help farming communities, which both the member for Simcoe North and the member for Beaches—East York mentioned, in regard to making the transition away from tobacco farming and into farming other productive crops in Ontario, so they can shift into a different type of production, as well as pressuring the federal government. There was a promise that there would be some pressure on the federal government for additional transition funds on top of the \$50 million that was promised. They promised pretty much to assist smokers to rid themselves of their tobacco addiction. They promised real help for tobacco farmers. They promised to consult with the people who are affected by this legislation. They promised to end high-priced, partisan consulting contracts. Quite frankly, what we've seen with Bill 164 is that once again they've kept none of the promises I've just listed.

Particularly around the issue of getting people the assistance they need to quit smoking—I was lucky when I tried to quit smoking, because I was on a health plan and was able to utilize that health plan to help me with the cost of purchasing the aids I needed to quit smoking. I know they are extremely expensive, and it was really beneficial to me that I had that plan. If I hadn't had that plan and been in the economic circumstances that I know many, many smokers across Ontario are in—they simply would not be able to afford to avail themselves of the smoking cessation products that are on the market. So right away you have a barrier. Trying to quit smoking is a very difficult thing to do, so any kind of barrier that comes up is your excuse to go back to smoking or to fail in your attempt. It's really important that people have access to the aids that are available in the market to help them quit smoking. But smokers won't receive any help at all under the legislation, as was promised, and farmers won't receive the financial help they need to move away from tobacco growing to other cash crops.

Bar and restaurant owners: I know this happened in the city of Hamilton when we went through the process of putting a new bylaw together for non-smoking in the restaurant district. What happened—and I'll give a quick example—was that we went through a long debate and extensive consultation. In fact, the consultation lasted over two years, in terms of how the public health committee and the public health department would be able to bring forward non-smoking bylaws, particularly for the hospitality industry. What ended up occurring in Hamilton is that the bylaw was put in place with a sunset clause, if you will, so that restaurants and bars were given a certain amount of time, if they chose, to put together a designated smoking area, so that the bars and restaurants that could actually accommodate such places would put this 25% of their floor space or seating space aside in a separately ventilated, designated smoking area. Then, by the end of 2007, I believe, the designated smoking areas would also have to be removed and the facilities would have to be 100% smoke-free.

This was a compromise, quite frankly, a compromise that came of long and extensive consultation with those

people who were going to be affected by the bylaw, particularly the small business sector, particularly in the city of Hamilton, where there had been some significant suffering in the downtown entertainment district and the restaurant businesses all together were having a significant economic downturn. They felt that they needed this particular amendment or this way of bridging to a complete smoke-free environment, and they were granted that in the municipal bylaw that was put together in Hamilton.

Of course what's happened is that those people, probably about a year ago, completed their designated smoking areas. In many cases, they borrowed money, took out capital loans to implement these designated smoking areas, because they're quite expensive. It's a matter of construction of separately ventilated areas, so you need ventilation systems as well as permanent walls and those kind of things to make that area separate from the other 75% of the restaurant or bar. The point is that they made that investment with the knowledge that, over a certain amount of time, they would be able to recoup that investment through the business they would do in the interim. They basically put together their business plans based on what they saw as being the legislative regime or the way they would have to deal with this particular initiative of the city.

In all good faith and with all good intentions, not all but many of the restaurants and bars in the Hamilton area put these designated smoking areas in, made the investment, and now, lo and behold, as of fairly soon—within the next month or two, when this legislation passes—they are going to be out that money. They are going to have lost that investment. I've certainly heard from many of them who are saying, "You were there in Hamilton when we went through this very painful process, and when the city of Hamilton council, after two years of true consultation and true compromise"—much to the chagrin of the public health officials. There's no doubt about it. The public health officials were not pleased, let's say. You know how they can't say that publicly, because they are not allowed to speak against the will of the council, but certainly I know that on a private level many of the public health officials were a little bit concerned about what they saw as a softening of this direction that they thought it was important to go in.

It was certainly a softening of the position. But what it did was that it allowed a compromise to be struck and it allowed for a phasing-in, if you will, of the 100% smoke-free bylaw. The reason I raise it is because what has happened is that these people who put that investment in are now facing the loss of opportunity to recoup that investment. They see that as extremely unfair and unwarranted and in fact don't feel they have had the opportunity to consult with the province, with the government in regard to this legislation. Many of them have informed me that they are quite concerned about what this means for their loss of investment and whether or not they are going to have a opportunity to in some way recoup that investment, maybe through help from the government.

Nonetheless, I think one of the things that is instructive to see is one of the designated smoking room bylaws that was put together in BC. I have a directory of clean air sites from the British Columbia and Yukon Hotels' Association. What their designated areas do is laid out in this brochure. It basically provides for a number of different instances where designated smoking areas are allowed, again requiring both the separate ventilation and restricting the amount of time workers are asked to spend in those designated smoking areas.

1640

There are ways of phasing in this legislation, and there are examples of how other provinces have done that, as well as other communities. I just urge the government to consider whether they might want to either discuss with, consult or have a dialogue with those bars, restaurants and bingo halls. In fact, as Mr. Dunlop and my colleague Mr. Prue mentioned, the Legion as well had a similar experience.

What we end up with is a bill which, for all intents and purposes, rips up the municipal bylaws that were put in place in good faith with all the parties at the table. There's a big concern there that these small businesses and the hospitality industry, who acted in good faith in that regard, are now facing serious financial losses because they're not going to be able to recover those investments.

There's no doubt that Bill 164 is a tough piece of legislation, but the question is, is it fair? Is it fair to the entrepreneur who followed to the letter every single regulation they had in their municipalities, now only to find that the rules have been changed in midstream without them having any opportunity to have their voice heard? Is it fair to the tobacco growers, who don't have the means to switch their crops without considerable hardship and who now may be forced to abandon the family farm? That is just not fair. Is it fair to the aged and disabled war veteran who wants to light up a smoke in a Legion hall and who was never consulted about the change of the law? When it comes to Legion halls, it's kind of frustrating. I'm going to talk a little bit about that as well, because I have some letters here that I wanted to share as part of this debate.

Is it fair for the Ontario Restaurant Hotel and Motel Association and their more than 25,000 member establishments, who keep getting handed more and more bad news as time goes on? High property taxes, bad weather, the high Canadian dollar, low tourism numbers, all kinds of problems that are coming, SARS, the blackout of 2003—all these things have affected this particular industry and now this is another reason for them to be concerned about fairness in the province of Ontario, where they're trying to do business. They've played by the rules in all cases, particularly in the city of Hamilton and other municipalities where bylaws were put in place, and there are many, many municipalities that have bylaws. They were negotiated in good faith. They complied with those bylaws. They set up their DSRs. They're in a situation where they were hoping that they could have been grand-

fathered, at least until the wind-out of their particular municipal bylaw. I would urge the government to look at that possibility as a way to deal with their outstanding concerns.

Although it doesn't necessarily get the 100% smoke-free situation immediately, what it does do is convince those people who are trying to run small businesses in our communities across the province that they have a government that's interested in hearing what they have to say and a government that's interested in supporting their ability to maintain their businesses over the short term while they pay off those capital investments that they had all intentions of paying off through still having those DSRs. That would have been the fair thing to do. That's something that this government needs to take into consideration in terms of its approach with Bill 164. It might not be perfect, but it does represent a balance and a dialogue and a compromise that will help small business communities. Again, when you look at some of the other affected industries, the farm industry particularly, we need to deal with this quite seriously.

I have a letter, which I referred to a minute ago, from a Legion in my riding. It's from East Hamilton branch 58. It says,

"On behalf of the members of the Royal Canadian Legion, branch 58, please accept these letters of protest against our government about the smoking bylaws.

"We feel that it is very unfair to change the laws after everyone has adapted to the original bylaws." Of course, he's referring to the designated smoking rooms that the city of Hamilton had put into place.

"As our fathers and relatives gave their lives or fought for our freedom, this is unfair to them. They were addicted by the free cigarettes they were given while they fought. For many of them, this is the only enjoyment they have left." Two hundred sixty-two protest letters were enclosed, and they're asking me to bring these forward to the government's attention during this debate. I think it's actually the same issue that was raised previously by one of the other members, which is the issue that many of these veterans were addicted as a result of government policy of providing cigarettes to them when they were over fighting on our behalf in brutal, atrocious, devastating situations overseas. They're just asking for a little bit of consideration for the lifestyle that they ended up taking up as a direct result of government policy.

There are a number of other letters. They're all a little bit different. This one says, "As a member of the Royal Canadian Legion, I realize the sacrifice our soldiers made for freedom, and this government has the nerve to impose their will on the survivors in a non-democratic way." It goes on to say, "As usual, the government reneges on its word. The public is willing to go along with the rules, but we cannot tolerate the rules changing in midstream." That is from another constituent of mine who's a member of the Royal Canadian Legion.

There is another letter that I have here, but I'm running out of time, so I'm not sure if I can read it. There's another example that I was given to share with you in

regard to the issue of small business. I think maybe what I'll do is—because I'm running out of time—I'll mention some of the pieces of it.

This particular person was not from the city of Hamilton. This person was a restaurant owner in another jurisdiction in Ontario. His concerns are along the same lines as the ones that I raised on behalf of the restaurateurs and bar owners in the city that I'm from. I'm not going to read it, because I think I did pretty much go through it and I know that my friend Michael Prue will be speaking as well today. So I'm going to maybe pass that on to him, and perhaps he'll be able to raise some of those issues for you.

There's one that I haven't raised yet—there are two, actually. I'll raise them really quickly. One is the issue that there is not a banning of smoking in homes where day care is being provided. That, for me, is a big concern. It seems to me that the most vulnerable people in terms of exposure to second-hand smoke and to smoke, period, are young people—our children, as a matter of fact. The fact that this legislation does not address the issue of smoking in homes, at least not in any major way, where day care is being provided is a significant concern to me, and I was quite shocked to see the government's lack of attempt at regulating that particular situation.

The other thing that I wanted to mention quite quickly, as I'm running out of time, is it's not so much the advertising that was being defended earlier tonight by the member from Perth-Middlesex; it's the fact that the advertising contract was given to one of the friends of Dalton McGuinty, and that smacks of the most disgusting giveaway that the people of Ontario don't like.

The Acting Speaker: Questions and comments?

Mr. Lou Rinaldi (Northumberland): It's a real pleasure to speak on this bill. It's kind of frustrating when I hear my friend from Hamilton East and the previous speaker from Simcoe North. I'm not quite sure where they sit, to be honest with you, because these are quotes from their comments: "We're not going far enough." Then, the next line says, "We need exemptions." You can't have it halfway, a quarter way. It's really confusing. So they really need to get their thoughts together.

They talked about legions. I don't have letters. I do hear comments on both sides—I want to be very clear—but I have so many people who want to go to the Legions, and they refuse to walk in the door. Those are people I meet on the street every day in the eight municipalities I represent. They keep on telling me how great it is to be able to go back to the Legion.

1650

Another thing I keep on hearing from the members opposite is that this government is not keeping its promises. We made it very clear. It was one of our major platforms during our campaign. We're keeping the promise and we're going to make Ontario smoke-free. How much simpler can it be?

On the other thing about the fragmenting of municipalities, I have eight municipalities in my riding. I con-

gratulate the one that already has an anti-smoking smoking bylaw in place, one that's coming into effect April 1 this year. I'll tell you what I hear from the others: "What's keeping you guys? We're struggling; we want to do it but there is friction within councils. It's about time you guys do it." They actually want us to do it quicker. They don't want to wait until next year.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I have to disagree with the Liberal member opposite, who describes the speech by the member from Hamilton East as inconsistent. I thought I heard a very good description of what went on in the city of Hamilton and the concept of compromise or a softening of direction from what was originally introduced in the city of Hamilton. I think this is advice for this Ontario government, advice that was taken by the provincial government in British Columbia. They brought in a 100% ban and, within 80 days, the hospitality industry lost \$8 million and they laid off 800 people. However, within 80 days, cooler heads prevailed and there was a softening of direction, as was just described to us now in the city of Hamilton, and now in British Columbia.

The hospitality industry has a choice. They can offer facilities—a restaurant, for example—for non-smoking customers, and they can also offer a ventilated designated smoking room, something we did have in the city of Toronto. Actually, ventilated designated smoking rooms were advocated by the anti-tobacco people. Unfortunately, the anti-tobacco people turned tail on that one and essentially stabbed the industry in the back and went against the concept of designated smoking rooms.

We have a situation in British Columbia where the Workers' Compensation Board has taken this effort on behalf of the employees they are there to protect. The Workers' Compensation Board now works with the hospitality industry. They continue to consult with the hospitality industry, something that I see lacking with this particular government. They hold joint forums and they hear from ventilation contractors and employees to continue to make this system work.

Mr. Prue: I'd like to comment on the speech made by my colleague, the member for Hamilton East. I listened to the speech and, quite frankly, I did not find it to be inconsistent at all, as has been suggested. It was a ranging talk and a dialogue about the people she represents in Hamilton East.

There are many views out there, many differences of opinion on this bill and every other bill, and I think—

Mr. Yakabuski: Precisely, Michael.

Mr. Prue: Well, thank you. But I think what she has said and what this government and this House need to look at is that what is being proposed does not necessarily fit the mores of every community or the financial needs of every single place. She talked about the farmers and their need for compensation. She talked about the small business people who have invested their life savings in separately ventilated rooms and for whom the municipal bylaw will not expire for some four or five years, in some cases, and that they have put down considerable monies. These are issues that need to be

canvassed and need to be discussed. This is, after all, the forum.

I do not want to speak against the member who commented on this except to say that if you are not going to listen to dissent, why is there an opposition at all? If you're not going to listen to other people, why do you pretend to consult with them? There has been no consultation whatsoever with members of the Royal Canadian Legion. If there is one group that has been very vociferous on this and who has phoned and invited me to their places in the last few months—this is an issue on which they want to be canvassed. The Premier said the minister would talk to them. The minister said he would consult with them on the legislation. They are still waiting, nearly two years after this government was elected, and quite frankly, they've not been listened to. The member is exactly right to raise their concerns in this House.

Ms. Jennifer F. Mossop (Stoney Creek): I have three points that I want to make on this. First of all, the issue of levelling the playing field: We hear from a lot of people in municipalities that they need to have consistency province-wide on no-smoking rules. This bill provides that.

Secondly, the issue of second-hand smoke: A lot of people say that people will stop going to bars. But a lot of people don't go to bars now because of second-hand smoke. They go out to a bar and when they get home their clothes smell like they have been hanging around in an ashtray all evening, so they choose not to bother going out. A lot of people might return to some bars and restaurants if they know they don't have to deal with the second-hand smoke; not just the smell but the health issues as well.

Now I want to deal with the issue of first-hand smoke. I was a smoker as well for many, many years, and I loved smoking. I was a happy smoker. I used to justify it by saying, "The stress will get you long before the smoke does." I always talked about how sociable it was, because you'd go out and have a smoke together and it was always so nice.

I stuck by that until my best friend got lung cancer. I followed her from diagnosis to deathbed. She insisted the whole way that it was a family predisposition to cancer that was really taking her. I would look at the doctors as she would say this and every one of them—and there was a long line of them on that journey—looked at her and said, "I'm sorry. It's the smoke, period." I think it's time that we as a society—as many other societies are—come to terms with this issue and just decide that it's time to bite the bullet. It's time to say, "That's the end of the line. We have to take some serious actions." The cost to human health and the cost to our health care system are just too great. It's time to say no, and that's it.

The Acting Speaker: That concludes the time for questions and comments. The member for Hamilton East has two minutes to reply.

Ms. Horwath: I appreciate the comments on my speech that were made by the various members this afternoon.

One of the things I didn't have a chance to mention was similar to the comments of the member for Stoney Creek. I lost my father to lung cancer about a year ago. She is absolutely right; it is a devastating illness that you just don't get better from once you've been diagnosed. If there is one thing that people need to keep in mind as we go down this road of Bill 164 and the debate and where we end up with it, it is that we need to remember that it's not easy for people to quit smoking. There is one thing that I had hoped the government would be a little bit more committed to, and that is finding ways to assist people in their quest to quit smoking, and I mean to financially assist them.

Although it has been mentioned that the ability of people to find ways to quit smoking and the necessity of people to find ways to quit smoking are of paramount importance, the reality is many people can't afford to go and buy a prescription drug that helps with the quitting, whether it's the patch or the gum. Many people cannot afford that. If there is one really big problem with the devastation that people have in terms of smoking, it's the fact that this government's devastated them again by not being there to support them financially in finding the ways to quit smoking and helping them with that effort.

I do want to thank my colleague Michael Prue, who mentioned that part of what I felt obligated to do today was to raise in this Legislature the voices coming from my community, whether it was from the Legion or the small business community. In fact, the Hamilton area has some rural areas as well. I don't believe tobacco farming is that close to us, but it is something I felt obligated to do, and I thank you for the opportunity.

1700

The Acting Speaker: Further debate?

Mr. Phil McNeely (Ottawa—Orléans): Once again, I'm pleased to rise and speak in support of Bill 164, the Smoke-Free Ontario Act. Last week, several honourable members spoke about choice and how people had the right to choose whether or not they smoke. Well, this government made a choice. This government chose to protect Ontarians.

Bill 164 is founded on three key principles: protection, prevention and cessation.

The number of people who smoke is declining, but there are still too many people smoking, especially youth, who are addicted to cigarettes. Youth, more than any other group, need to be protected from smoking. We need to encourage them not to start smoking, and we need to encourage youth who already smoke to stop. It's not easy. We forget that youth don't always realize the consequences of the choices they make, much like ourselves. We also forget that youth don't always have the ability to choose like everyone else. Unfortunately, tobacco companies don't want youth to know the truth about cigarettes so that they can make informed choices.

Statistically, almost everyone who has ever smoked had their first cigarette while they were in their teens. Why? When a young person walks into a store, and cigarettes are mixed in with snacks, there's certainly a temptation to choose cigarettes. When that young person

looks up and sees a cigarette ad the size of a billboard, the temptation may be too great to resist. In a split second, the wrong choice can be made. These overpowering cigarette displays make smoking seem normal. They don't tell young people about the negative effects that go along with smoking. What kind of choice can youth make when they are bombarded with this kind of advertising? This is why Bill 164 is before us: to protect 80% of Ontarians who choose not to smoke, especially youth.

I'm proud to say that our message is working, especially in my riding of Ottawa—Orléans. Many young people who easily could have become smokers have said no to tobacco and yes to a healthy lifestyle. In fact, many Ottawa youth participated in the Exposé project. This project encourages young people to examine the facts, express their thoughts and expose the truth about tobacco. Exposé already has 40 Ottawa high schools participating, and all high schools will soon be participating in the project. Fifteen young people were in my office and they delivered over 2,500 postcards from Lester B. Pearson, Gloucester High School and St. Peter. This program, along with our anti-smoking message, has already generated a 5% drop in youth smoking in Ottawa high schools. That is great news and a step in the right direction.

What I'm most proud of, however, is that these young people have started their own postcard campaign telling us that they don't want to see the large, behind-the-counter displays in stores. They don't want these gigantic ads encouraging their friends. This kind of support should encourage us all to keep spreading our anti-tobacco message.

But do you know what? The member from Nepean—Carleton said last week in this House, "I think people should be allowed to make up their own minds." He also said, "I will be voting against this bill. I'm pro-choice." He should talk to the many students in his high schools who are working to help fellow students not to start smoking.

When we set a good example and spread the truth about tobacco, youth are more likely to make the best choices and are less likely to smoke. When we allow aggressive advertising and say that it's OK to smoke in separate rooms, we are not sending the right message to young people. When we vote against this legislation, we are forgetting about our youth.

This does not mean there are no challenges ahead. All areas of retail will be affected, but we must look ahead to the long-term health of all Ontarians. The contribution made by retailers to help curb smoking will go a long way to ensure that everyone, especially youth, can live a healthy and smoke-free lifestyle.

When given the choice, I know that I want to protect the people of Ontario. That's why I support this important bill and encourage both sides of the House to do so as well.

The Acting Speaker: The member for Ottawa—Orléans, you haven't indicated if you are sharing the time. Are you sharing the time?

Mr. McNeely: I had at the top here that I will be sharing my time with the member for Perth–Middlesex but I forgot to say it.

The Acting Speaker: Now you've said it clearly, and the member for Perth–Middlesex has the floor.

Mr. Yakabuski: On a point of order, Mr. Speaker: I suppose that you are expected to interpret a person's thoughts, or if they write it down, that's OK.

Mr. Wilkinson: You're not challenging the Chair?

Mr. Yakabuski: I'm not challenging the Chair. Of course I would never challenge the Chair on a matter like this, but I just want to clarify: If we write down that we really want something, is that good enough nowadays, Mr. Speaker?

The Acting Speaker: It's not, but thank you very much for your point of information. The member for Perth–Middlesex has the floor.

Mr. Wilkinson: I must say that I am glad the member from Ottawa–Orléans and I had that little chat before we got into this rotation.

I would like to dedicate my remarks to my late father-in-law, Stafford Shannon, I say to the member from Ottawa, and I trust he would listen. My father-in-law, Stafford Shannon, died as the result of a lifelong addiction to tobacco. I had the privilege, along with my wife and my children, to attend that death. I can assure you that my children will never smoke. That is a sight etched in my mind. I am sure that if all the children of Ontario could have been there on that day last summer when it happened, they also would decide it is best not to take up that habit, which led to his untimely death.

I want to say that I believe there must be some responsibility that we all share as Canadians when we have that most cherished of institutions, medicare. Medicare, publicly funded, allows us to go to a hospital and to be seen based on our need and not on our wallet. I remember, when I was a child, my father having to pay the doctor, and now I just go to the doctor. It's one of the most amazing things.

I say, with respect to all members in the House, Tommy Douglas, the founder of medicare, was recently voted the most influential Canadian in history. That is a bond we all share in common. But is there not some responsibility that we have, as citizens of this great country and province, in regard to our own behaviour? I look at that and I look to the question of smoking, the number one preventable cause of death in Ontario.

We pay a tremendous economic price in health care and in the lost economic benefits of our citizens. But we also pay a tremendous emotional burden that has plagued so many of our families, and I know my own family, with the legacy of allowing a product, legal as it is—but I think more and more people consider it to be completely and absolutely immoral, though legal. We are paying a tremendous price as a society.

I happen to have run in an election where I represented a party that said quite clearly that they were going to bring in a ban—not a partial ban here and there, with exemptions and all of that, but a very simple ban that

says that we will not allow smoking in the workplace, so that people are not subjected to second-hand smoke, and we are not going to allow it in enclosed public spaces where people will be subjected to second-hand smoke. Second-hand smoke is deadly. It is that simple.

Who pays the price if we don't do this? Who is paying the price for a lack of action in the past? It's all of us, collectively. So on the one hand, we benefit from medicare in this province, in this country. Isn't it reasonable for government to say to the citizens that we, as a society, have some responsibility to maintain and protect that and our ability to cherish that?

If you want to buy a legal product, and you are over the age, and you go to your house, and you are addicted, and it is your choice, and you want to kill yourself, and you want us to pay the costs when you're sick and you go to the hospital or you go to the doctor, that's fine. We live in a great society. But do you have the right, in this society where we have medicare, to inflict that on other people?

Parties in the past in this province have just been unwilling to deal with this issue forthrightly. All of us in the past, as parties, have had the opportunity to do this, and none have done it. I am proud to be part of a party that is actually doing something about this file.

I remember when I went to the Perth district health unit with Dr. Rosana Pellizzari, the chief medical officer of health, and representatives from the Canadian Cancer Society and the Heart and Stroke Foundation and did a press conference when we announced this bill. The thing that will always stick in my mind is the fact that what we need to do is de-normalize smoking, as the member from Ottawa–Orléans said. We have to send a message to our children that it is not normal to start smoking. As a matter of fact, it's not normal at all.

I end with that simple question: Surely, if we cherish medicare, all of us have some responsibility to each other not to inflict the damages of second-hand smoke and not to inflict the costs on our fellow citizens for choices that we make.

I want to commend the minister for bringing this bill forward. I look forward to voting for it, and I know that decades from now people will look back at this debate and know which party was forward-thinking on this issue.

1710

The Acting Speaker: Questions and comments?

Mr. Baird: I want to respond to the speech from the member for Ottawa–Orléans. He and I attended the Greely Remembrance Day services and placed a wreath there together. They have a back porch where members go, not just veterans from World War II and Korea but from recent campaigns—a back porch where they go and have a cigarette.

I don't smoke; I don't support smoking. I don't think it is something that our children should be advised to do. But I want to ask the member for Ottawa–Orléans, would he have a problem if members of the Royal Canadian Legion, particularly the branch in Greely, where a

number of them on that occasion spoke to me about this concern—because the bill does talk about enclosures and it is very tightly defined. My reading of the bill would have that back porch, which has I think some screens—it's quite cold there; at least it was on November 11. Would that be included, and does he agree or disagree with that? This is the concern, that this bill could put an end to those sorts of things.

While I understand the public health interest the government is trying to pursue in this, I don't know whether we need—in Ottawa we have a lot of these tents, these little enclosures at so many of the bars and grills, particularly in suburban Ottawa. They're heated, they're not ventilated, and it's even worse than a separately ventilated room, where heated tents are put up to every booth. They haven't been successful in Ottawa in closing these things. So I want to ask the member for Ottawa—Orléans if he would talk about the veterans at the Greely Legion.

Ms. Horwath: It's my pleasure to make comments on the speeches from the members for Ottawa—Orléans and Perth—Middlesex. I have to tell you, though, blaming and bullying and bad-mouthing smokers is not going to lead to a smoke-free Ontario. It's pretty sad when that's the thrust of the speeches from the government side: bad-mouthing and bullying people who are fighting an addiction in this province. It's really unfortunate that that's the attitude. That kind of attitude is not going to help people quit smoking. That kind of attitude is going to continue to dig people's heels in, the way people in my community have dug their heels in because the government they elected is not listening to them and their very legitimate concerns, whether they be tobacco farmers, restaurateurs or veterans who were turned on to smoking during their time serving our great country.

It's really frustrating. What the McGuinty Liberals need to remember is that the provincial electorate is watching them break promises left, right and centre, and here we have it again with Bill 164. They are spending hundreds of thousands of dollars on advertising, for which they gave secret, untendered contracts to their friends. The people of Ontario don't like that kind of thing. They don't like the fact that their government won't consult with them on these important issues. The veterans were shocked to find out that although they were promised consultation, they weren't getting it. What do we get instead? We get a number of government members who are basically bad-mouthing, browbeating, blaming and bullying people who really do need to have some supports to quit smoking, which this government promised—and they're not bringing them—not just embarrassment and ostracism from their elected officials. That's totally unacceptable and I'm quite shocked at the tone of some of the remarks tonight.

Mr. Mario Sergio (York West): I'm very pleased to see that finally something is happening with Bill 164. We are debating second reading, and I hope third reading and final approval don't have to wait for too long. It's not only this particular legislation that has been dealing with

this issue, but practically every municipality in Ontario has been dealing with trying to get a healthy, clean environment in most places in Ontario.

I can remember some 15, 20 years ago, North York city council dealt with this issue so many times. The fear was, "Wow, we're going to close down business and doughnut shops will close their doors." You know what? Every time I walk into a doughnut shop, there is a lineup all the way to the door, summer and winter. People sit down and have their coffee or whatever there. They are sprouting all over the place, more than ever before, and more than ever before, people are very conscious about their health, about their environment.

It's not a question of oppressing smokers. If they want to smoke, they can smoke, but there are certain places and certain times. I think it's very fair that public places and places of employment are good and clean environmentally.

I hope that indeed this House will support third and final reading. Of course, we'll try to finalize second reading of Bill 164. I have to laud Minister of Health Smitherman for introducing this legislation. We all bitch and moan, if you will, about health care costs, the quality of health care and stuff like that, but I think this will go a long way to alleviating some of the problems associated with health care.

The Acting Speaker: We have time for one last question and comment.

Mr. Yakabuski: It's my pleasure to comment on this bill before us, Bill 164, as well.

I think we all agree that in a perfect world we wouldn't have smoking. We don't happen to live in it and we've created many of these problems ourselves. But how we reduce the number of people smoking is very, very important.

One of the things I'm very concerned about in this bill is the lack of consultation with key stakeholders, including Royal Canadian Legion branches and the veterans who were encouraged to smoke as veterans. My father was a veteran. They were given a tobacco ration as part of their provisions and encouraged to smoke while they were overseas. Did we talk to these people to see how it's affected them, those who continue to be addicted to this product and have very few places left to go but for those club rooms in those Royal Canadian Legion branches where they can sit down with their comrades and talk about old times? Many of them are widowers at this point as well.

The other thing I'm concerned about is the lack of tying this bill in with smoking cessation programs or support to the farmers. They promised \$50 million to tobacco farmers in this province, not as compensation but as a way of helping them move into other productive areas in agriculture. They have failed in that regard. You can't tell somebody one day, "You're selling a legal product" and on day two, "Yes, it's still a legal product. We're going to do everything we can to put you out of business, but we're not going to help you move into another productive area. We're not going to give you another vehicle to support your families. We're simply

going to cut you loose and you sink or swim on your own." Well, you can't do that as a government. You've got to help the people whom you're affecting by this legislation.

The Acting Speaker: One of the government members has two minutes to reply.

1720

Mr. McNeely: The member for Nepean–Carleton was wondering about dealing with Legions. That Legion is already in the city of Ottawa, to my knowledge. It was when I went to it for that event this fall. The Legions and the city worked out a good deal too. That was one of the proudest accomplishments for me as a councillor when I was on the city of Ottawa council led by Mayor Chiarelli and all the councillors, and Dr. Cushman. This was a great thing that happened in Ottawa, and the people there are generally pretty satisfied. Of course, there were people hurt during that time, but the Legions were among those who worked with us to get it done.

The member for Hamilton East has said we badgered people, but that's not what we've done. I talked about working with the youth, which I'm doing in Ottawa with the public health nurse. It's a very successful program, and I'm sure that for a lot of people who are caught in the habit it's very difficult. We're not trying to badger them; we're trying to move forward and get in place for the province what's been in place in the city of Ottawa for three years.

My son had to quit a bartending job because of the side smoke. He didn't smoke. His doctor thought he must have been smoking a pack or two a day. He had a chronic cough. He quit, and the cough went away. I think that bylaw was the best thing we could have done in Ottawa. The member for York West is right on when he supports the work we're doing.

To the member from Renfrew–Nipissing–Pembroke: This is tough legislation; it does hurt people. But this is important for the common good, and I hope everyone in this House supports this very important legislation.

The Acting Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join the debate today on Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts.

I would first of all like to say that I'm a non-smoker and do support trying to make everyone a non-smoker in the province and, indeed, in the country. In a perfect world, that's certainly what I would like to see, because there are so many negative consequences to smoking, especially the serious health concerns that arise from smoking. However, I do realize that a lot of people in our society are addicted to smoking as well.

In talking about this bill, there are a few specific concerns I would like to deal with. I would like to deal with the farmers and how the promise of \$50 million in compensation has been ignored. I'd like to talk about restaurants that have made significant investments in terms of ventilation systems they've put in. I'd like to talk about Legions—we've heard a number of people here this

afternoon talk about Legions and the lack of consultation that went into this legislation in terms of Legions.

I'll start with the farmers. I think this government is ignoring rural Ontario and farmers. Farmers don't start protests on the 401 lightly. They don't start driving their tractors down the 401 to try to get the attention of the government unless they have some serious concerns.

Just a few weeks ago, about the day after the first time the farmers protested by driving their tractors and combines etc. down the 401, I had an opportunity to speak to the cattlemen's association in Nipissing and Parry Sound–Muskoka. It was the day after that 401 protest. I can tell you that farmers have real concerns.

At the time, I was addressing the farmers, talking about their concerns with BSE. It turned out that our federal member for Parry Sound–Muskoka, the federal agriculture minister, was also at that meeting. He, of course, talked about BSE. But in speaking to the farmers—and I see the Minister of Agriculture is here—I simply said, "Did you hear the Minister of Agriculture talking about how he's going to support tobacco farmers last week on CBC in the morning? What did you think?" That's all I said. I didn't say anything else. I let them answer it. "What did you think?"

Half a dozen hands went up. They had heard the Minister of Agriculture speak about how he was going to help tobacco farmers. They more or less said they were very upset and very unhappy with the non-answers the Minister of Agriculture gave on CBC. When he was asked how he was going to help the farmers—about six times by the interviewer, he said he was looking at a strategy, in very vague terms. Even the CBC commentator said, "That's pretty vague," and gave him another opportunity to answer the question. He couldn't come up with anything more definite than that. It spoke for itself, so I didn't have to raise it any more than just asking if my local farmers had heard that. I think local farmers recognize that the Minister of Agriculture is not standing up for their interests.

Not only that: This government made a promise—they made lots of promises—to the tobacco farmers of this province. They promised that they were going to deliver \$50 million in transition funding to assist them with the transition away from growing tobacco products to other crops. To this date, they have not delivered on that promise, as they have not delivered on many other promises.

The government has been ignoring rural Ontario on lots of other issues. I could go into many different issues. But farmers are hurting these days. They're hurting with commodity prices that are about half of what they used to be for corn and soybeans; they're hurting with the BSE situation; they're hurting because the government is bringing about regulations that are very difficult for them to adjust to, whether it be nutrient management or source water protection.

The government needs to listen to the concerns of the small farmers. In my area of Parry Sound–Muskoka, most of the farms are very small.

Interjection.

Mr. Miller: The Minister of Agriculture seems to be getting upset. Minister, it is your job to look out for the concerns of the farmers. I am telling you what I heard at my local meeting; it is your job to listen to them.

The Minister of Agriculture's job is to look out for the concerns of the farmers in this province. Right now, I can tell you the farmers wouldn't be having a protest here on March 2 if they felt their interests were being looked after. I'm sure we'll hear from them loud and clear on March 2 and March 9, when there are hundreds of combines and thousands of people here to protest the actions of the government. Farmers have real concerns. They don't go and shut down the 401 lightly. They have real concerns; they're hurting. Corn and soybean prices are half of what they've been; BSE, the government regulations. They need help. A lot of the small operators are not provided assistance with the programs the government has put in place. I think they've done a \$20-million program for nutrient management, but that's just for the very large operators. Farmers have concerns, and the government should, at the very least, keep their \$50-million promise to help with transition.

I'd like to switch to restaurants. There are many restaurants that have spent—I would hazard a guess—\$100,000 to put in a ventilation system and a separate room for smokers. As I say, I'm in favour of reducing smoking and I'm in favour of banning it in public places, but I think smokers do have some rights as well. As long as it doesn't negatively affect the health of workers and it's a free choice—and this is a free country—of those smokers, we should try to make it possible for them, if they so desire, to smoke. Look at the restaurants: They've spent \$100,000 on making physical changes to the restaurant or bar to allow for those who want to smoke. What about phasing this bill in over five years so that those restaurants that have spent that money aren't too hard-hit? Look at the BC situation: That is what they've done in BC. In BC, the job-killing impact of the smoking ban resulted in \$8 million lost to the hospitality industry, nearly 800 layoffs in just 80 days, before the courts killed the bill for lack of consultation. Also, the province of British Columbia recognized the disastrous financial impact of a complete smoking ban and instructed its Workers' Compensation Board to work collaboratively with that province's hospitality industry to develop ventilation standards based on science for ventilated smoking areas in that province's bars and pubs. Even if you phased it in over four years, that would take some of the economic considerations of this bill into effect so it would be easier for the economy, for the restaurants and for the bars.

1730

Also, in Nova Scotia, Quebec and Prince Edward Island they have province-wide ventilation standards for smoking in hospitality environments. So there are other jurisdictions that have done that. I would simply suggest that phasing it in is a worthwhile consideration, or that you should at least consult about that.

Consultation is another point I would like to make on this bill. There was not consultation with the farmers

affected or with the Legions affected. And the government, in trying to make the best legislation, owes it to the people of this province to consult with them. That does result in the best legislation. However, you have to get input and then use it.

In the last couple of weeks I took part in the pit bull ban bill, Bill 132. The Legislative Assembly committee held public hearings for four days and then a day of clause-by-clause on the pit bull ban bill. We had hundreds and hundreds of people come before the committee for 10 or 15 minutes to talk about that bill. I would like to say there were some absolutely excellent presentations. We had a veterinarian from Texas fly all the way in for a 15-minute presentation, we had animal control officers and the humane society and people who had been attacked by dogs, but overwhelmingly the evidence showed that a specific-breed ban is not effective, and they suggested many improvements to that legislation.

In the case of that specific legislation, the government made a sham of the whole process by not listening to anyone who came before the committee with recommendations. They just went through with their own minor amendments. They didn't listen to any of the amendments to the bill that were put forward by either the official opposition or the NDP, the third party, amendments that were meant to improve it, to make it more effective, to achieve the goal of fewer dog bites and a safer Ontario. So if you are going to consult, and I believe the government should be consulting on this bill, you also have to listen.

Another example of the government's lack of listening and lack of consultation: They have the greenbelt bill, which is an important bill. It has tremendous effects on rural Ontario—on farmers, again—and the government was trying to ram that bill through by December 16. Only with some serious negotiations by the opposition parties were we able to get four days of public hearings on the greenbelt bill to address the concerns of farmers.

With that bill, in many cases their farms would be devalued substantially, so there basically would be expropriation without compensation. Certainly, the science as to how the borders of the greenbelt were drawn is very suspect. In some cases farms were split in half; in some cases fully serviced land was included in the greenbelt. The boundaries seemed to be based more on political science than on natural science.

So we caused about four days of public consultations on that specific bill, the greenbelt bill, Bill 135. But once again the government has not listened to the people who have come before the committee that was holding the public hearings. So they are going through the motions of holding consultations but they aren't really doing consultations. It's just for show; it's not really benefiting anyone.

That seems to be the case: The government seems to be ignoring northern and rural Ontario. Certainly we've heard a lot about problems in northern and rural Ontario. I'll get to that, if I have time, in a few minutes. But I would also like to talk about the case of Legions.

We have veterans that fought for us in World War II and World War I, in the Korean War and others. They fought for our freedom. In most cases, they want to be able to have a smoking area. It was pointed out by the member from Renfrew–Nipissing–Pembroke that they were actually given rations of tobacco when they were at war, so in many cases their habit was caused by the government. They fought for our freedom and now their freedom in terms of being able to have a place to socialize and smoke is being taken away from them.

I would say that if you're going to provide an exemption for Legions, the way I would do it would be through a ventilated room where only smokers are going to go. It's the choice of those people who want to go into that room and it's the choice of the Legion whether they want to do it. So you at least provide the freedom of choice for those who are addicted to smoking.

I have a letter from one of the Legions in my riding northeast of Huntsville, from the Kearney Legion. I will read that letter. It was just written on January 4, 2005.

"Dear Mr. Miller:

"I am writing on behalf of the H. White Memorial Legion in regards to the non-smoking legislation.

"We feel that our veterans should not be punished with this law. They did give the ultimate sacrifice for their country and Legions are a private club started by the veterans.

"We feel that the veterans should be allowed to go to Legions to socialize with each other and if they so desire be allowed to smoke. Installing an anti-smoking ban on our veterans is unjust.

"Yours truly,

"Vic Sibley

"President"

There are many Legions across the province that feel the same way as was expressed by Mr. Sibley. I think some consideration should be given to allowing a way for them to have their freedom but at the same time not harming anyone else. As I say, I do support trying to reduce smoking and I do support banning smoking in public places. But I think we also have to take the investments of the restaurant owners into account, the concerns of the Legion, and we certainly need to think about those farmers who need to make the transition from farming tobacco to farming other products.

In the short time I have left, I would like to touch on some of the other rural concerns that we are hearing about, because this government seems to be ignoring rural Ontario, especially as it relates to some of the health issues. Today in the Legislature I had the opportunity to raise a question about Geraldton, where the six doctors in the community of Geraldton placed an ad in the newspaper just last week, and effective May, they are going to be leaving that community unless something is done. That highlights the fact that the government needs to get serious about its negotiations with the doctors of this province, to stop confronting and fighting with them, to get serious and get a deal with the doctors in the province so that places like Geraldton will be able to provide

medical service to their area. If those doctors leave, it effectively means that the hospital would have to stop providing services. So it is a very serious concern and I hope the health minister and the Premier get serious with their negotiations with the OMA.

There are concerns that are coming out of my riding to do with some of the health issues of the new LHINs, the local health integration networks, which are being put forward by the government. Locally there are concerns that once again the government didn't consult, so they're shutting down the district health councils but they haven't necessarily consulted to get the boundaries correct. I see in my local paper, the Huntsville Forester, Elgin Schneider, who is the mayor of Sundridge, raising concerns about how the boundaries are drawn. In the case of Sundridge's LHIN, they are in the southern LHIN and yet they feel more of an affinity to North Bay. In fact, the town of Sundridge just committed \$100,000 to the North Bay hospital. Obviously, if they're committing \$100,000 to the North Bay hospital, that is the hospital they feel should be within their local health integration network. I hope the government will consult on that important issue. I will just quote from the newspaper here. This is Mayor Schneider:

"I don't know who gave input, but certainly the municipalities around here didn't," said Schneider. "We're sort of sitting on the line ... We can't understand why the boundaries are where they are. We're grouped in with the south, which goes all the way to Cookstown, and we can't see where we have much in common with that area." ...

"Our residents go both ways, but we've committed \$100,000 over 10 years to the new North Bay hospital.... We've committed to that area, so I think that would indicate that we're sort of leaning toward that area."

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He suggests that the line separating LHINs would make more sense if the dividing line were the line separating the Muskoka and Parry Sound districts, as the health unit is split on that exact line. I would say that that does make sense and that Mayor Schneider raises some very good points.

In conclusion, I do support everything we can do to stop people from smoking, to help people to stop smoking, to ban smoking in public places. I simply say that we need to address some of the economic concerns. We have to address those restaurants that have spent, in many cases, \$100,000 to provide special rooms and ventilation. We need to look at other jurisdictions. We have to look at Legions and perhaps give them that option. And we need especially to look out for the farmers in this province, who were promised \$50 million in the past election for transition funding to assist them with the transition to less tobacco being grown in this province.

The Acting Speaker: Questions and comments?

Mr. Prue: I listened intently to the member from Parry Sound–Muskoka. In his calm, measured way, he more or less put it in a nutshell. If there is a problem with this bill—and, as I am next to speak, you're going to hear

that I think the bill is going the right way. But if there is a problem, the problem is quite clearly that there have not been sufficient consultations. The consultations have been limited, and the consultations around the economics of the proposal have not been well threshed out.

There are people out there who may be in need of compensation, and they have not been offered compensation. There are programs that need to be funded, and there is no money there for the funding of those programs. We have heard, and I believe it to be true, that the Legions have not been consulted in any meaningful way. We have heard that the LHINs in the area around his riding have not been consulted. We know that the restaurateurs, especially those who have built separately ventilated rooms, have not been consulted. We know that the store owners, although they were initially consulted about their displays, have not been consulted in the latter stages of the drafting of the bill, and certainly not since the release of the bill. We know that those on native lands are not subject to this bill and, although they were consulted with in the early stages, they have not been consulted since this bill has been put forward in the House. Last but not least, we know that the farmers, those on whom the economic impact is probably going to be the most severe, have not been consulted.

Other jurisdictions have chosen to consult and to compensate their farmers, have chosen to consult and to compensate their store owners, have chosen to consult and to compensate their restaurants. I think that's what the debate is coming down to: not whether it's a good or a bad bill, but whether or not all of the knots have been tied at the end.

Mr. Peter Fonseca (Mississauga East): Bill 164 is something that all people in this House and all people across Ontario should be very proud of: a smoke-free Ontario. The minister entrusted me to meet with all stakeholders and to have an open-door policy when it came to our smoke-free Ontario legislation, and all stakeholders walked through the door. We had restaurateurs, we had casinos, bingo halls, Legions. Every stakeholder got a chance to come in and meet and give their point of view around this legislation.

What I can say about the previous government is that they did not take on a leadership role. Like many other things that they did, they decided to download this to municipalities and not to take on a leadership role when it came to a smoke-free Ontario. It's something that many municipalities asked that we would upload. We did, took on the leadership role, and made sure there was a level playing field for all here in Ontario when it came to a smoke-free legislation.

We hear from the members across the way from the two parties, and they still continue to not take on a leadership role and to sit on the fence when it comes to the Legions and designated smoking rooms. They cannot take a stand.

This government took on that leadership role, as it has with much other legislation. We are making sure we are protecting Ontarians in enclosed workplaces and en-

closed public places, making sure Ontarians are protected from the harmful effects of second-hand smoke, and making sure this will add to the sustainability of our universal health care system, which we so treasure in this province. As we know, 16,000 Ontarians die every year due to the harmful effects of tobacco-related illness.

Mr. Dunlop: I want to compliment my colleague from Parry Sound-Muskoka for his speech. We're talking about leadership here today, as the member opposite mentioned a couple of minutes ago. I think we are taking on a leadership role: We asked for exemptions. I can't believe you're sitting over there, not trying to protect the veterans in our society—there are still 300,000 or 400,000 veterans in our country today. These are the people who fought and gave their lives so we could have the freedom and democracy we have today, and you don't want a veteran to have a smoke-free room anywhere in the Legion. You want to make sure that some 85-year-old guy who smokes—he's never going to stop smoking—is tossed outside on a cold day like today to have a cigarette. I think that's unacceptable; that's all I'm saying.

I like the idea of a smoke-free Ontario, but there are people you have to thank at some point, and some of those people are the veterans in our society. I have no problem having a smoke-free room for the veterans in our army and navy clubs and Legions across this province. I don't see one thing wrong with it. To begin with, these gentlemen don't have a long time to live; we're not talking about people who have 40 or 50 years of life ahead of them. Most of the veterans we have today are from the Second World War, who are 75 and older. I think they deserve that opportunity. When a guy like Norm Miller stands up and reads a letter from a Legion and supports it, that's what I call leadership in this province, not somebody who hides behind one piece of legislation and completely forgets about the people who sacrificed their lives so we can have the democracy and the freedoms we have in our country today.

Mr. Sergio: I would like to add some comments on Bill 164. It's interesting and good and appropriate that we have debate in the House. The member for Mississauga East has said we had considerable consultation on Bill 164. It is appropriate that we have discussion in the House today on second reading. I hope this will go through. I hope this will see speedy passage on third reading and approval of the proposed legislation.

I really wonder what we are telling our kids out there. They want to try to quit smoking. Even though there are some programs out there to assist them and the cost of cigarettes is skyrocketing, they are still smoking. We always have a large number of smokers out there.

A few months ago, I was invited to speak at Emery Collegiate, one of the collegiates in my area. The topic was Your Comment. We had a forum on smoking and carrying the message out to our students. The first thing I told the students was that they were not going to stop smoking. But the message was, you have to consider, down the road, what smoking is going to do to you, to

your family, to your fellow man, and to your health and everybody else's. I said, "Until you're ready to understand the consequences of smoking, you will keep smoking." I'm a reformed smoker. I had a hard time quitting, but I did it. My message to people out there is, control it, stop it, and to us in here, approve this bill as soon as possible.

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The Acting Speaker: That concludes the time for questions and comments.

I'll return to the member for Parry Sound—Muskoka. You have two minutes to reply.

Mr. Miller: I would like to state again that I do support Bill 164, and I support making Ontario into a smoke-free province. I thank the member from Beaches—East York, who raised some concerns with the bill; the member from Mississauga East, who spoke; and the member from Simcoe North and the member from York West for adding their comments.

The member from Mississauga East talked about the consultation that the government did on this bill, that their doors were open. But I would have to ask, did they listen? Did they listen to the concerns of Legions, for example? The answer is no, they did not. I do believe that we could make some changes to the bill to allow a designated smoking room for Legions, with proper ventilation, if that would help. We should give that consideration.

Of course, as I stated before, we need to look after the concerns of farmers who are transitioning out of growing tobacco. We have to look at the investment and the economics of this bill, the effect on restaurants and bars, and in particular on those restaurants that have spent hundreds of thousands of dollars on ventilation equipment and special rooms. We can learn from other jurisdictions.

I do support this bill. I support making Ontario smoke-free. I believe that we need, at the same time, to look at phasing the bill in, perhaps over five years, and deal with some of these concerns that have been raised by various members.

The Acting Speaker: Further debate?

Mr. Prue: It is that time of the day when I get to make a bifurcated speech—half today and half on the next occasion—but I will try my best. There are several problems here with the bill. I am not saying it in a negative way, that the bill is bad, but I would like the people on the other side to look at some of the definitions, what you have proposed, and see if this is really what you want.

I draw your attention, on the first page, to: "'enclosed public place' means the inside of any place, building or structure or vehicle or conveyance or a part of any of them,

"(a) that is covered by a roof...."

I am asking you to look at that definition and determine whether or not this is what you want to include as an enclosed public space: the mere fact that a building or a structure has been covered by a roof. There are many smoking establishments or places where people presently

smoke in Ontario which are separate and apart from the main building in which a restaurant or a place of employment might be housed. I am thinking of restaurants that employ the use of a gazebo. That is a little structure, as any of you might be familiar with, that has no walls. It does have a roof. I would point out some of the restaurants in the Toronto area that have retractable roofs that allow the patrons sitting underneath not to be in the blazing sunshine—we all have to worry about skin carcinogens as well—or to be sheltered from the rain or other inclement weather. Those roofs are retractable; they go back and forth.

How are the members opposite, with a definition like this, going to enforce the bylaw? If someone complains that the roof is down and it's fully extended, and the bylaw enforcement officials come by and the roof has been retracted, much as SkyDome can be retracted, is there a problem with that? I would think there is.

I would like to point out another example about having a roof. There is a bar on Queen Street in the Beach in my riding which I was looking at the other day. I didn't go into the bar; I was just driving along to pick up a constituent. I looked at this bar, which was heavily populated, even in the wintertime, with smokers, and the reason was because it has two smoking areas. It has one downstairs. It has stairs that go upstairs. So what you have, in fact, is a floor and a ceiling on the downstairs, and then you have a further ceiling up above. So you have two of them. I think the question of whether the first one is a ceiling or a floor is a real question you're going to have to debate in this definition.

I have some problems with the definition here of having a ceiling when clearly there may not be anything but support braces and no walls. To me, this hardly qualifies as an enclosed space. It is the definition you have given. I would invite the members opposite to look at this definition and see if this is actually what you intend to do, what you are going to do when people build retractable roofs, and whether or not an awning or a semi-permanent awning that can be snapped into place constitutes a roof. None of that is clear from this definition and, I would suggest, is going to cause you some problems in the future. I believe it is something that needs to be discussed with the lawyers and possibly something that needs to go to committee.

I point out some other difficulties that you have here in the legislation. Unlike some members, I actually read the legislation. It's quite instructive. You have a very good provision in this legislation for home health care workers. These workers have the right, under subsection 9.1(2), to refuse to comply and offer health services in the presence of a person who chooses to smoke in a care facility. This is probably a good provision, and I commend that no worker should be put in the way of a problem such as this.

But I turn to the section immediately before that—it's a long section—paragraph 1 of subsection 9(8), which refers to hotels. This allows for people to smoke in hotel rooms. It allows that they don't even have to be separ-

ately ventilated. They merely have to have walls between the various rooms. The hotelier has to determine whether or not it is permissible to smoke in any room or not permitted to smoke in that room. But the workers who work there have no protection similar to health care workers. A person coming in to change the bed in a room in which a smoker or a party of smokers spent the night has no protection. They can't refuse to go in there and clean the beds or the bathroom at the end of the day or during the time that someone is there. They have not been afforded the same rights that you afford health care workers, and yet they are doing what would conceivably be equally dangerous work in terms of smoke. I think what is good for health care workers has to be good for people who work in the hotel industry. They should have the right as well to refuse to go in and service rooms where people are smoking. This only stands to right. You don't have this in your legislation. If you really believe you have good, comprehensive legislation, you have to afford those people the same rights as health care workers.

I believe this should go, again, back to the drafters of the legislation, back to the lawyers and possibly back to the hoteliers and the people who work in the hotel industry to see whether they deserve the same protection as those you are willing to afford others. That's the second real problem I see here just in reading the legislation.

I see a problem as well in paragraph 5 of subsection 9(2). There is a real problem here because this is the protection of children. You have legislation which says you may smoke at all times when a day nursery is not in operation if you choose to do so. These are intended, I think, for non-regulated child care in private houses, but at all times of the day. If it's open eight hours a day, 16 hours a day, you can be lighting up in an enclosed space, smoking cigarettes, provided you do not smoke them while the children are there.

I would take it that this is not very good legislation. This is not a good provision. I know what you're trying

to do is protect someone's home environment, but you need to look beyond that to protect the children we have an obligation to protect, who are defenceless, who are put into a place and who will be breathing carcinogens day in and day out.

I go back to my time as a municipal politician, when we were grappling with the first smoking bylaws in the Toronto area. East York developed the strongest and best one at the time. We were handed a copy of the North York bylaw which was, to put it quite frankly, a joke, because it was going to have different hours, all the times during the day when you could or couldn't smoke, in a restaurant. But after 6 o'clock, when more people came to drink than to eat, then the ashtrays could come out and you could smoke your lungs out till 2 o'clock in the morning, and then the next day the room was suddenly, magically going to be clear and free of smoke.

The medical officer of health told us this was a stupid thing to do. We wouldn't follow that bylaw; we never intended to. In fact, the bylaw died in North York within a few months of it being proposed. The medical officer of health at that time in East York was the same medical officer of health who is now advising the province. It was Dr. Sheela Basrur. She told us what a stupid thing the North York bylaw was, but here I see it revisited for our children. You can smoke all day long, you can leave the carcinogens in the air, and when they're there, they won't actually have smoke blown in their faces.

This is a real lacuna in this particular act. It's something you need to look at. I cannot believe that a government that stands up and prides itself on having the strongest possible anti-smoking legislation and protection of people will leave that in there as well, particularly where it comes to our children.

Mr. Speaker, is this an opportune time or shall I keep going?

The Acting Speaker: Thank you very much. It being 6 o'clock, this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 1800.

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| Stoney Creek | Mossop, Jennifer F. (L) | | |

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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des débats
(Hansard)****Tuesday 22 February 2005****Mardi 22 février 2005**Speaker
Honourable Alvin CurlingPrésident
L'honorable Alvin CurlingClerk
Claude L. DesRosiersGreffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 22 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 22 février 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

SCHOOL NUTRITION PROGRAMS

Ms. Laurie Scott (Haliburton–Victoria–Brock): I rise today to draw the attention of this House to concerns I have with changes that could be taking place in the organization of Ontario's Breakfast for Learning program and a delay in the transfer of funds needed to feed children. People working on the front lines are concerned that the government is rushing through the reorganization of the Breakfast for Learning programs. Your efforts to centralize the administration will hurt local programs. It will put children at risk.

Smaller communities frequently lose their voices when service delivery is taken away from locally driven organizations. In my riding of Haliburton–Victoria–Brock, the Train the Brain—Include the Food program has grown from 50 children to one that now serves 5,634 breakfasts and 4,790 snacks weekly. They are succeeding because they are able to tailor their programs to local needs. They raise money locally to help deliver their programs. A centralized service delivery model will not be able to obtain this important source of funds, and children will go hungry.

The ministry page "Results for Ontario Families" brags that the government has "announced plans to improve school breakfast programs by \$4 million, helping children arrive in class ready to learn." It is one thing to announce money; it's another thing entirely to actually spend the money. It's time to spend the money that you have announced, so that children don't go hungry.

AGRICULTURE INDUSTRY

Mr. Ernie Parsons (Prince Edward–Hastings): I would like to speak today about an industry in my community, an industry that produces something that every citizen in our province needs, and yet they are losing money. They're losing money because they have absolutely no control over the environment in which they must operate. They are without the ability to influence the cost of items they must purchase in order to produce their products. The owners and operators are working or

on call 24 hours a day, seven days a week, and unlike most of us, they do not have sick or vacation days. They are unable to set the price of their finished product to reflect their costs but are forced to take whatever the marketplace offers.

I'm talking about our farmers. Too often we forget where our food comes from. Too often we are not aware of the incredibly challenging and stressful lives of farmers. Farmers are in crisis. This is not a case of too much rain or not enough rain. This is a life-and-death struggle for farmers. My neighbours are selling cattle and corn for less than their grandparents did. There's not an easy answer to this crisis, but there's a real need for every citizen in Ontario to know the situation that our farm community faces.

I'm proud that our government made a commitment to work with farmers before it is too late. I challenge the federal government to join us at the table and bring some of their fiscal surplus.

SCHOOL CLOSURES

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Over the last few weeks, I've had the opportunity to attend a number of meetings held in my riding with respect to the possible closure of seven public schools. They are Calabogie, Alexander Reid, Ross Mineview, Horton, Keys, Laurentian and Morison. Hundreds of people have attended these meetings to voice their views on the impact this will have on their children, their neighbours and their entire community.

The Minister of Education has made a big deal about his purported support for rural schools. The fact is that he has paid lip service, and nothing more, to the concerns of rural school boards and parents.

It is clear that the McGuinty government has turned its back on rural Ontario. Such things as lack of support for farmers or denying rural municipalities their fair share of the gas tax clearly sends a message that rural Ontario is not a priority for the Liberals. The attitude of this government leads to declining enrolment in our schools, which is the number one reason rural schools are hurting badly as they struggle to meet ministry occupancy targets.

The minister must know that, for many rural families, their school is the centre of their community. I encourage him to act swiftly to amend the funding formula for rural schools so that our local board also not have to close

these schools, thereby causing much pain and suffering to rural children, families and communities.

COMMUNITY REINVESTMENT FUND

Ms. Shelley Martel (Nickel Belt): On February 4, the mayor of the city of greater Sudbury wrote to the Minister of Finance to express council's concerns with the government's handling of the community reinvestment fund. The city of greater Sudbury is now carrying about \$3.5 million in its 2005 budget for downloaded provincial services which are capped or no longer reconciled by the province. This amount, added to the shortfall in CRF funding in 2003-04, now adds up to \$6.1 million. The mayor urged the McGuinty Liberals to fully reconcile the CRF in 2003, 2004 and 2005 so that taxpayers would not be stuck footing the bill.

Yesterday's announcement by the McGuinty Liberals does little to resolve our financial problem. The decision to reconcile the CRF for 2003 only means that our city has a shortfall of \$2 million in 2004 and \$3.3 million in 2005. The potential total shortfall over the two years where the McGuinty Liberals have refused to do a full reconciliation is now \$5.4 million. Will this government guarantee that this shortfall will be covered under the new funding formula?

Promising us that we'll receive as much CRF funding in 2005 as we got in 2004 is of enormous concern to council. At best, we'll receive an amount that leaves us with a \$5.4-million shortfall in 2005. At worst, it means the shortfall will be \$6.1 million, which will come out of the pockets of local taxpayers.

The Liberal download looks a lot like the Conservative download on to municipalities. Where is the plan to ensure that communities like Sudbury aren't left to pick up the bills?

1340

VOLUNTEERS

Mrs. Linda Jeffrey (Brampton Centre): I rise in this House today to recognize the achievement of two great Bramptonians.

Bill Burrell and George Burrows are two World War II veterans who are active volunteers in the city of Brampton. Bill and George have known each other since they were young and have been lifelong friends ever since. In fact, they both served in the Canadian Air Force. During his service with the CAF, Bill Burrell did 32 trips overseas as an air gunner before he was 19 years of age.

For over 30 years, these gentlemen have chosen to serve the Brampton community as members of the Royal Canadian Legion branch 15 poppy fundraising committee. Their remembrance activity goes far beyond the two weeks leading up to November 11 of each year. Together with hard-working volunteers, they have raised more than \$433,000 through their poppy fundraising since 1997.

Their efforts have been instrumental in improving the quality of life in my community. They have not only supported veterans, but have been able to supply medical equipment for use by all who have a need within Brampton.

They have donated significantly to our hospital and the Canadian Cystic Fibrosis Foundation. Just recently, they donated two defibrillators to the Peel Regional Police Marine Unit, having previously donated two to the Brampton Fire Department.

These gentlemen chose to serve our country and risk their lives many years ago, and they've now chosen to demonstrate in a practical way their role as caretakers of remembrance by investing in equipment which will help save lives now and long into the future.

Bill Burrell and George Burrows are here in our members' gallery. It's my honour to introduce them.

HYDRO RATES

Mr. John O'Toole (Durham): I rise in the House today to raise the electricity price issue. In 1991, Dalton McGuinty, then-energy critic, stated unequivocally, "Rising electricity rates are making it difficult for us to both attract new businesses and keep our existing businesses here." He said that in Hansard in 1991.

Yet, it would appear that a government that should understand the impact of higher electricity rates on the provincial economy is getting ready to raise the rates again in an announcement in the *Toronto Star* today. This announcement would coincide with one of the busiest political news days of the year, the tabling of the federal Liberal budget. This is further speculation that there's good reason for this timing. It won't be good news. You might say it's a double-header.

While the federal Liberals are taxing and spending in Ottawa, the provincial Liberals will likely be raising electricity rates, like taxes, in Ontario. Judging from the McGuinty government's record on electricity, this scenario should come as no surprise. In fact, the worst, in my view, is yet to come.

Even today, there is confusion between the Premier and his cabinet. Minister Duncan has told reporters that people would pay the true cost of electricity and said he'd have the details tomorrow. However, the Premier says that homeowners won't be paying the new electricity prices to be announced tomorrow. Which one is it? I'm surprised that either of them knows the answer to that question.

GREENBELT LEGISLATION

Ms. Jennifer F. Mossop (Stoney Creek): I'd like to take a moment to talk about an initiative of this government, one that casts its eye well beyond the foreseeable horizon. I'm talking about the proposed greenbelt.

Bill 135, the Greenbelt Act, will soon come to a vote after third reading debate in this House. If passed, this piece of legislation will mark the boldest piece of plan-

ning law in Ontario's history. It will provide permanent protection for 1.8 million acres, an area the size of Algonquin Park. It will curb unplanned urban sprawl, help to improve quality of life and preserve Ontario's natural heritage for future generations.

For decades, as a society we have talked about, debated and paid lip service to the concept of a greenbelt, to protecting agricultural lands and environmentally sensitive lands, to protecting our water and groundwater supplies, to cleaner air and to smarter growth. The greenbelt legislation means the time for idle chatter is over. The rubber is now hitting the road.

I've heard from so many constituents who have watched their landscape being paved over indiscriminately: no thought, no planning. We must move forward now. In some cases, we are actually too late. In some cases, this is the 11th hour. But if we don't move now and act now, there will be no land to save, no land to farm and thus no need for a farmer. As a government, we will work with farmers and communities to ensure that they prosper and flourish and that there is land and space to breathe, eat and live for generations to come.

HEALTH CARE

Mr. David Oraziotti (Sault Ste. Marie): I am proud of our government's key investments to transform health care in Ontario into a stable, sustainable system. But first, as we look at the colossal mess we have inherited from two previous governments, it's understandable why it will take some time to correct. On the one hand, we had a government whose vision it was to cut the number of seats in medical schools, and on the other hand, a government that delayed addressing the physician shortage, so much so that the number of communities underserved by physicians more than doubled. The past government stood by as health care costs soared to record rates because they failed to address the root causes and provide more affordable options for Ontarians.

In the past 15 months, our government has made record investments in long-term care, home care, mental health, public health units, immunization programs and supportive housing. The city of Sault Ste. Marie has seen over \$20 million in new funding, and over 100 new community health care workers have been hired such as nurses, dietitians and physiotherapists.

For too long, the underfunding of these services has eroded our ability to provide access to the primary care we all need. Surely even the opposition members would have to say that this new funding is resulting in more community health services. Even the opposition members would have to say that health care costs rising in double digits at hospitals is simply unsustainable. When was this going to change? When the system was bankrupt?

Our government is making the tough choices to ensure that we have quality health care well into the future. We are measuring our results, reducing waiting times and ensuring that there is transparency in the process so that the citizens of this province will also see the results we all want.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Brad Duguid (Scarborough Centre): Tomorrow is budget day in Ottawa, and once again the federal government is expected to announce a hefty surplus while we here in Ontario face significant budget pressures. Ontario continues to put far more into the federal coffers than it gives back. With this in mind, I'm asking our federal colleagues from Ottawa to consider their constituents when they table their budget tomorrow. As the Premier has pointed out, there's a \$23-billion gap between what Ontario gives to the federal government and what it gets back. In recent years, the gap has been growing.

Let me provide some examples. For every immigrant, Quebec gets \$3,806, while Ontario gets \$819. For every person on EI, the rest of Canada receives \$7,930; Prince Edward Island gets \$14,485, while Ontario only gets \$5,060. That's a difference of almost \$9,500 per person. In Ontario, our post-secondary institutions require an investment of \$1.3 billion just to bring us from 10th in spending to the national average.

All Ontario is asking for is a chance to continue to be the engine that powers this country's great economy. Tomorrow's budget is the perfect opportunity for the federal government to start addressing some of the issues that Ontario has expressed concern over and start giving Ontario its fair share.

This Premier and this government are proud Canadians, but we're just as proud to stand up for Ontario to ensure that we remain the engine of growth that drives Canadian prosperity and the Canadian economy.

SPEAKER'S RULING

The Speaker (Hon. Alvin Curling): On February the 15, 2005, the member for Oak Ridges, Mr. Klees, rose on a question of privilege concerning letters written to school boards and teachers' federations by the Minister of Education, Mr. Kennedy. The letters, together with a related press release, contained ministry initiatives on education funding and on the length of collective bargaining agreements for teachers. According to the member, the documents amounted to a matter of contempt in that they anticipated the passage of legislation and budgetary approval by the House, and they reflected adversely on the parliamentary process because they presumed that the House would pass the bill and approve a budgetary measure.

1350

The government House Leader, Mr. Duncan, and the Minister of Education responded to the allegations.

I have had an opportunity to review the written materials supplied by the member for Oak Ridges, the Hansard for February 15, the assembly's precedents and the relevant parliamentary authorities. Let me say several things about the member's allegations.

First, my reading of the documents suggests that the minister was taking proactive measures dealing with

matters touching on his ministry. There is a line of Ontario rulings to the effect that civil servants can take reasonable planning measures in advance of the passage of requisite legislation. So too can the minister.

Second, the facts in a 1989 ruling by Speaker Fraser of the Canadian House of Commons, a 1994 ruling by Speaker Warner of our own House, and a 1997 ruling by Speaker Stockwell were different than the facts raised by the member for Oak Ridges. Those three cases dealt with government advertising to a broader public audience in circumstances where there was already a bill before the House. In the case at hand, the letters and press release were not advertising; they were primarily addressed to interested stakeholders and there was no bill before the House.

The minister appears to have made an announcement, outside the House, that anticipates a bill and a budgetary measure. But there is nothing wrong with anticipation per se—it happens a lot; the issue is whether the announcement goes further and reflects adversely on the parliamentary process.

In my opinion, the wording and the tone of the documents are not dismissive of the legislative role of the House. On the contrary, they indicate that the government had plans and proposals that require not only negotiation, but also the introduction and passage of legislation. In particular, the board letter and press release contain conditional phrases such as “intends to introduce legislation,” “we are proposing,” and “legislation that, if passed.”

With respect to the word “guaranteed” in the documents, I note that it is not used in the sense that passage of enabling legislation was a foregone conclusion, but rather in reference to proposed payments to transfer partners and a proposed provision in future collective bargaining agreements.

For these reasons, I find that a *prima facie* case of contempt has not been established.

I want to thank the member for Oak Ridges, the government House leader and the Minister of Education for their thoughtful submissions on this matter. Each of them has done a service to the House by reminding members of the importance of showing respect for the parliamentary process.

INTRODUCTION OF BILLS

SPOUSAL RELATIONSHIPS STATUTE LAW AMENDMENT ACT, 2005 LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LES UNIONS CONJUGALES

Mr. Bryant moved first reading of the following bill:

Bill 171, An Act to amend various statutes in respect of spousal relationships / *Projet de loi 171, Loi modifiant diverses lois en ce qui concerne les unions conjugales.*

The Speaker (Hon. Alvin Curling): It is the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those against, say “nay.”

I think the ayes have it. Carried.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): The proposed Spousal Relationships Statute Law Amendment Act, 2005, would, if passed, make amendments to 73 Ontario statutes that contain the term “spouse,” “spousal,” “marriage,” “marital,” “husband,” “wife,” “widow,” and “widower.” Currently, the statutes offend the Charter of Rights and Freedoms.

The bill removes references to gender and gender-specific language from Ontario definitions of spousal terms and uses one term, “spouse”, to include opposite-sex couples and same-sex couples who are married or who live together in conjugal relationships outside of marriage.

This bill also contains amendments to the Marriage Act and the Human Rights Code to affirm the freedom of religious officials to solemnize a marriage or not, or to provide a venue for marriage or related events or not, in a manner consistent with their religious beliefs.

EDUCATION AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR L'ÉDUCATION

Mr. Klees moved first reading of the following bill:

Bill 172, An Act to amend the Education Act to remove political interference in collective bargaining and ensure flexibility at the local level / *Projet de loi 172, Loi modifiant la Loi sur l'éducation pour éliminer toute ingérence politique lors des négociations collectives et assurer une flexibilité à l'échelon local.*

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr. Frank Klees (Oak Ridges): In contrast to the government's bill that will be debated later on this afternoon, which proposes to amend the Education Act to remove the right for school boards and teacher unions to negotiate three-year contracts and imposes either a two- or a four-year contract term, this bill provides for terms of two, three or four years, thereby insuring flexibility for school boards and teacher unions to negotiate freely at the local level, and it removes the political interference in contract negotiations that is inherent in the government's proposed legislation.

MOTIONS

HOUSE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move that, pursuant to standing

order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, February 22, 2005, and Wednesday, February 23, 2005, for the purpose of considering government business.

The Speaker (Hon. Alvin Curling): The government House leader has moved government notice of motion 307. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1358 to 1403.

The Speaker: The government House leader has moved government notice of motion 307. All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arnott, Ted | Flaherty, Jim | Munro, Julia |
| Arthurs, Wayne | Flynn, Kevin Daniel | Oraziotti, David |
| Baird, John R. | Fonseca, Peter | Parsons, Ernie |
| Barrett, Toby | Gerretsen, John | Phillips, Gerry |
| Bartolucci, Rick | Gravelle, Michael | Pupatello, Sandra |
| Bentley, Christopher | Hoy, Pat | Qaadri, Shafiq |
| Berardinetti, Lorenzo | Hudak, Tim | Racco, Mario G. |
| Bountrogianni, Marie | Jackson, Cameron | Ramal, Khalil |
| Bradley, James J. | Jeffrey, Linda | Runciman, Robert W. |
| Broten, Laurel C. | Klees, Frank | Ruprecht, Tony |
| Brown, Michael A. | Kular, Kuldeep | Sandals, Liz |
| Brownell, Jim | Kwinter, Monte | Smith, Monique |
| Bryant, Michael | Lalonde, Jean-Marc | Smitherman, George |
| Cansfield, Donna H. | Leal, Jeff | Sorbara, Gregory S. |
| Chambers, Mary Anne V. | Levac, Dave | Takhar, Harinder S. |
| Craitor, Kim | Marsales, Judy | Watson, Jim |
| Crozier, Bruce | Matthews, Deborah | Wilkinson, John |
| Delaney, Bob | McMeekin, Ted | Wilson, Jim |
| Dhillon, Vic | McNeely, Phil | Wong, Tony C. |
| Di Cocco, Caroline | Meilleur, Madeleine | Wynne, Kathleen O. |
| Dombrowsky, Leona | Miller, Norm | Zimmer, David |
| Duguid, Brad | Mitchell, Carol | |
| Duncan, Dwight | Mossop, Jennifer F. | |

The Speaker: All those against, please rise and be recognized by the Clerk.

Nays

| | | |
|------------------|-------------------|---------------------|
| Bisson, Gilles | Kormos, Peter | Ouellette, Jerry J. |
| Chudleigh, Ted | Marchese, Rosario | Prue, Michael |
| Churley, Marilyn | Martel, Shelley | Yakabuski, John |
| Hardeman, Ernie | Murdoch, Bill | |
| Horwath, Andrea | O'Toole, John | |

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 67; the nays are 13.

The Speaker: I declare the motion carried.

ORAL QUESTIONS

WASTE MANAGEMENT

Mr. Robert W. Runciman (Leader of the Opposition): My question is to the Minister of the Environment. Minister, today we read about another attempt by the state of Michigan to effectively close its border to trash

from the greater Toronto area. You, Minister, are on record as saying you are opposed to municipalities being forced to accept garbage from other cities or areas; you said so in this House in November 2000. However, under Ontario's Environmental Protection Act, your ministry has the power and responsibility to force other landfills to accept garbage from places like Toronto, should the need arise.

Minister, will you guarantee Ontario municipalities they will not be forced to accept Toronto's garbage? Will you do that?

Hon. Leona Dombrowsky (Minister of the Environment): I find it interesting that a member who was part of a government that, in my opinion, totally ignored waste management in this province has now suddenly found religion and is suggesting that this government must somehow prescribe and enforce. I believe our government has a very effective plan to assist all municipalities in the province of Ontario. We intend to—

Interjections.

The Speaker (Hon. Alvin Curling): Order. This is the first question put forward today in question period. The minister hasn't even had a chance to respond. I would like some respect for those who are both asking and answering the question and, furthermore, respect for the Chair. Minister.

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Hon. Mrs. Dombrowsky: Again, I think it's very strange to receive this question from a member who was part of a government that was prepared to pave the way for Toronto garbage to go to a lake in northern Ontario.

Mr. Runciman: I guess we're getting used to that kind of rhetoric and non-answer.

A report from the city of Toronto's solid waste management services clearly states that the city of Toronto has no plan B should Michigan close its border. It shows that the city of Toronto only has the capacity to handle its own garbage for up to two days. Worse, the city received no response to a public tender for other landfills and areas in Ontario willing to accept Toronto's garbage. Minister, your stock answers, and we've heard them a number of times—that you're working with the city, that you're confident in their abilities—just don't cut it. The city's own report says there is no plan. Toronto is sending 200 trucks of trash per day to Michigan. What is your government's plan if Michigan closes its border? What is the plan?

Hon. Mrs. Dombrowsky: I find it interesting that the opposition party in Ontario now thinks it's appropriate that a government would assume the responsibility for municipal solid waste. They didn't do it when they were in government. I am very proud, though, to talk about how this government intends to help municipalities deal with their waste issues. We have contributed to the blue box program, something they didn't do. In the last 14 months, we have ensured that the blue box program would stay alive by going from 0% support from that government to \$60 million in support for the diversion initiative that the blue box program represents in this

province. We are also working to ensure that the Environmental Assessment Act is a much better tool that will enable all municipalities in Ontario to consider and manage their municipal solid waste better.

Mr. Runciman: It's more avoidance after avoidance. It's your government's responsibility to ensure that public health is safeguarded and that the environment is protected. You have the responsibility, under the Environmental Protection Act, to require municipalities to submit waste management plans. Toronto's own report shows it has no plan. Even more alarming, there's no indication you have a plan. Minister, you can't continue to stick your head in the sand on this issue. Michigan is pursuing every route to close the border to Ontario's garbage at some point. We suspect it's just a matter of time. What will you do in case Michigan is successful in closing its border? Let's get some specifics. Take your responsibility here.

Hon. Mrs. Dombrowsky: I'd like to get very specific: You are wrong. You are wrong when you suggest that the city of Toronto does not have an alternate plan. The city of Toronto has talked with the Ministry of the Environment. We are aware that they are confident their supplier will continue to provide the service of hauling their waste and managing that issue. With respect to the responsibility of the province, we have a responsibility to ensure that municipalities have the tools they need to manage their waste well. That is what our government is doing and that is what this ministry is intent on doing. I'm proud of our efforts so far, and we intend to continue to work with them so that they can achieve effective environmental assessments for their waste management plans.

The Speaker: New question?

Mr. Toby Barrett (Haldimand-Norfolk-Brant): To the Minister of the Environment: I've also been asking for your plan to deal with Toronto's garbage since you were elected. You've had more than a year—a year and a half—to come up with a plan. Municipalities in the GTA have no viable long-term contingency plans should there be any kind of disruption at that Michigan border. Toronto trucks 100% of its garbage to Michigan; Durham, 120,000 tonnes; York, 140,000 tonnes; Peel sent 100,000 tonnes.

I'm asking you today, will you commit to require all of these GTA municipalities to develop and implement a realistic long-term plan for their waste disposal?

Hon. Mrs. Dombrowsky: First of all, our government respects that it is a municipal responsibility to manage their waste. I find it interesting that the member of the opposition is very adamant that this government should have a plan for all of these municipalities. Can you tell me the file you left your plans in? None. None is what you left when you left government.

In terms of the responsibility of the Minister of the Environment to have an emergency plan, that, of course, depends what the emergency is, where the emergency is and for how long we anticipate the emergency to be in effect. And so, when those events happen, this ministry

and this minister will step up to the plate. We will accept our responsibility. We will come forward with our plan to meet the need of the emergency at that time.

Mr. Barrett: Minister, I can certainly tell you that Haldimand county does not want to be on your list for Toronto's garbage. Haldimand county has declared its borders closed for outside garbage.

Last week, you approved shipping Toronto garbage to Haldimand's Edwards landfill, down near Cayuga. Last week, I met with a Napanee town councillor from your riding. He tells me that they want to know why you have turned your back on them. In fact, they're inviting you home to explain your new position of neutrality on the Richmond landfill expansion.

Minister, are you turning your back on the rest of Ontario like you have on your constituents in your own riding? Are you going to make all of Ontario Toronto's own personal garbage dump?

Interjections.

The Speaker: Minister, just a minute. I'm still having difficulty hearing the questions and the answers.

Hon. Mrs. Dombrowsky: I have to say that I'm very disappointed that an environment critic would not understand that when there is an environmental process underway it would be totally inappropriate for me to make any kind of comment, and I've certainly shared that with many people across the province who are involved in the process. I have faith in the process. I believe that in the fullness of time there will be time for me to make a decision. But the member opposite knows full well that that question is totally unfair.

Mr. Barrett: Minister, there is disappointment in Napanee, and there is disappointment in Haldimand. Why won't you act now and, at minimum, review Ontario's waste management system?

There is a headline in the Napanee Beaver that shows your lack of commitment to deal with waste diversion in Ontario: "Dombrowsky downplays province's role in finding new waste disposal technology." Will you not ensure that municipalities have the proper tools to handle their waste? Are you going to wait until the transfer stations spill over, when the only option for you would be emergency amendments to C of As to force unwilling municipalities to take Toronto's garbage, whether they want it or not?

Hon. Mrs. Dombrowsky: The member of the opposition has all of these ideas, none of which they enacted when they were in government. Our government is sharpening the tool that will assist municipalities as they move through the environmental assessment process. The previous government tinkered with it and made it quite ineffective. There will be an expert panel providing me with recommendations on how we can sharpen the environmental assessment tool to ensure that, as we move forward to protect the environment, we can see that these projects unfold in a more timely way.

The other thing that we are doing to support municipalities is actually ensuring that they get money to suppose their blue box program. You never cut the cheque

for that; we did: \$60 million to municipalities to help them divert waste from landfill.

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HYDRO RATES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Energy. Hydro rates are an important issue in Ontario. For the forest industry, the McGuinty government's hydro rate increases have already shut down some operations and killed thousands of jobs. A lot of low- and modest-income families have trouble paying their hydro bill as it is. We understand that you have an important hydro rate announcement to make. The question is, why are you going to hide it on federal budget day? What is it that you are trying to hide from Ontario workers and Ontario consumers?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): There will be a full announcement with technical briefing tomorrow, along with press releases. I have already made myself available to a number of media outlets to respond. There is no attempt to hide anything.

What we want to make sure doesn't happen again is that prices go up 43% on electricity rates, like they did on your watch—which is what they did. The other thing we want to be certain of is that no future government does what that member did and cancel all conservation programs in Ontario. Finally, this government is moving responsibly, and has been doing so for more than a year, to ensure stability and predictability in electricity prices. Last year, the member predicted the wholesale price of electricity would go up 30% or 40%, and it went down 19%. This government is bringing stability and predictability to a sector that was rocked too often by irresponsible governments like the one that member was part of.

Mr. Hampton: It was a simple question: Why does the McGuinty government insist on trying to hide their hydro rate announcement on the day the federal government pronounces their budget? What we got was not an answer but more mumbo-jumbo, like the mumbo-jumbo that people got this morning. The Premier was asked, "What about the hydro rate increase?" And the Premier said, "Don't worry; it's not going to affect ordinary families." But 10 minutes later the Minister of Energy said, "Yes, hydro rates are going to go up." So I'm simply asking for a straight answer. Whose mumbo-jumbo should the people of Ontario believe: the Premier, who said one thing, or you, who said something different 10 minutes later? Why are you trying to hide this on budget day?

Hon. Mr. Duncan: We will be announcing the regulated rate plan as of tomorrow. We will be doing so, and I invite the member to attend the technical briefing. That will be made available to him and the media. The decisions that this government made are consistent with Bill 4 and Bill 100. I'm surprised the member opposite didn't understand that. He certainly had a lot to say about the bills when they were being debated, albeit that he was wrong on most of the major points.

What I can tell you is that this government is producing electricity to fuel this economy, and then the member opposite wants to pretend and make statements that are raising false expectations about electricity price increases. I'd invite him to wait until tomorrow to hear what we have to say. It will be done here in the Legislative Building. There will be technical briefings, and I can assure you that the rate increases, if there are rate increases, and whom they apply to, will be nothing compared to the damage that member and his party inflicted on the energy sector in Ontario in the early 1990s.

Mr. Hampton: The question is, why is the McGuinty government once again engaging in the politics of diversion? This is an important announcement for industry; it's an important announcement for business; it's an important announcement for workers; it's an important announcement for families who have to pay their hydro bill. What does the McGuinty government do? They try to hide it and make the announcement on federal budget day.

Here's the reality: Last fall, in the Bill 100 hearings, you said that all of the small hydro plants, the coal plants, were going to operate according to a deregulated price. They were going to move up and down according to what the market price was. Now you seem to be indicating that that isn't so. If you know what you are going to announce, why don't you announce it here and now so that the people of Ontario will actually hear the news? Why are you trying to hide such an important announcement and bury it on federal budget day?

Hon. Mr. Duncan: We will be announcing tomorrow the policy that we have established, even though the member has not accurately interpreted things I've said in the past.

Let me talk about diversion. That's a party that voted against a price cap and then voted against taking it off. That's a party that said during the election that they would close the coal plants, and then after the election that party said, "Oh, you can't do that in that time frame." That's a party that has such an inconsistent track record and such a bad history that we have every confidence that the people of Ontario will understand the sensibility of our policy, and that our policy is a solid policy to ensure economic development and predictable, stable pricing on electricity and other energy so that our economy can grow in a way that it never grew when they were the government of Ontario.

AUTOMOBILE INSURANCE

Mr. Howard Hampton (Kenora–Rainy River): I have a question for the Minister of Finance and I want to ask him about some other rates. We've seen your inability to be straight with the people on hydro rates; let's try auto insurance rates.

Ontario drivers are furious. Big insurance made record profits last year. You defended them. They're making record profits again this year: 70% higher than last year.

And who is defending them? The McGuinty government. People are being ripped off, taken to the cleaners, and who is defending big insurance? The McGuinty government.

People know that those big insurance company profits came out of drivers' pockets. Are you going to force insurance companies, big insurance, to give the drivers who have been ripped off an auto insurance rebate, or are you going to continue to defend big insurance? Which is it?

Hon. Greg Sorbara (Minister of Finance): What we're going to continue to do is to point out the truth of this matter. My friend was in a government for five years, during the course of which time auto insurance premiums went up by 27%. They were followed then by the great Progressive Conservative Party, and they helped the industry raise insurance rates by some 36%. Now, we have been in government some 17 months, and based on the initiatives that we have taken, finally, auto insurance rates are going down. At this point, they're 10.6% lower, and that trend will continue, because, on the insurance debate, I tell my friend, we cast our lot with the consumer.

Mr. Hampton: Here is the McGuinty government defence. After year upon year of double-digit increases, after you've wrestled the insurance companies to the ceiling in terms of their profits, now you are just going to let them level out there. In other words, jack up the rate of insurance, award the companies with multi-billion-dollar profits, and then say, "Everything is fine. Everything is wonderful."

People have been ripped off. Drivers have been taken advantage of. What they are asking the McGuinty government to do is to ensure that the insurance companies give some of that money back to the very drivers who have been ripped off. Are you going to do that, or are you going to continue to defend big insurance and their obscene profits?

Hon. Mr. Sorbara: We are going to continue to do what we began the day that we were elected. You will recall that, on that very day, our first act was to freeze insurance rates so there would be no further increases. Then we brought in a series of measures and pieces of legislation, the net result of which has been an insurance decrease of 10.6%.

But we are not going to stop there, because the fact is there is capacity, given these very handsome profits, for insurance companies to bring down auto insurance rates much further, and that's what we should be expecting from the auto insurance industry in this great province.

1430

Mr. Hampton: The spokesperson for the McGuinty government says that now that profits are 12 times what they were in 2002, now that they're up there at \$4.2 billion, everything is wonderful and fine. Look, even the Toronto Star says that drivers deserve a rebate: Why should the insurers "not share the...windfall with customers who happened to save the industry a bundle in claims?"

Simple question, Minister: Are you going to pass legislation to force big insurance to give the hard-earned drivers and accident victims of this province some of their money back, or are you going to continue to defend a \$4.2-billion obscene profit?

Hon. Mr. Sorbara: I'm glad my friend from Kenora-Rainy River brought up the issue of legislation. I want to remind him and the people of this province that when we brought in a bill in this Legislature to roll back the Tory corporate tax cuts, that man and that party voted against that. Now he's complaining about high corporate profits.

Interjections.

The Speaker (Hon. Alvin Curling): Order. It would be helpful if you would keep them under control.

Hon. Mr. Sorbara: When we brought in legislation to freeze auto insurance rates, that party and that member voted against the bill.

I want to tell you, sir, and I want to tell my friend from Kenora-Rainy River, that the progress we've made on auto insurance rates in the first 17 months of government reverses a trend that had gone on in this province for well over 10 years. I'm confident, sir, that if we continue down this road, we're going to see further significant reductions in automobile insurance rates in this province.

GREENBELT

Mr. Tim Hudak (Erie-Lincoln): A question to the Minister of Municipal Affairs and Housing: According to a Canadian Press story in the Niagara Falls Review entitled, "Landowners Have Month to Appeal Greenbelt Zone," your parliamentary assistant Mr. Duguid is quoted as saying, "If they haven't brought them forward, they better do it quick, because we're moving quickly to a decision." In committee, he suggested a March 6 deadline. Minister, that's roughly two weeks away. How can we have any faith that in such a short time frame you will bring forward a fair and transparent appeal process for these individuals?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Let me, first of all, say on this greenbelt bill, which we and Ontarians are extremely proud of, that we have had more consultation over the last 15 months than any other bill that has been brought to this House in the last 25 years. I'm told that by some of the senior members of this House. We had a Greenbelt Task Force that went around the province, through this area, to find out exactly what principles the greenbelt should be based on. We had consultations done by the ministry and by myself.

Interjections.

The Speaker (Hon. Alvin Curling): I don't think the member from Halton is listening. I would ask for order. I would ask if you could have some respect for the decorum of the House and let us have question period without this unnecessary interruption.

Mr. Hudak: I don't think I received an answer from the minister to my particular question. Here is the reality: According to the legislation, the only appeal mechanism

is through the Minister of Municipal Affairs himself. In fact, the Liberal members of the committee voted down our amendment to bring forward a transparent, open and science-based appeal process. People are rightly suspicious. If you go to the right Liberal fundraiser, if you've got the right contact with the Liberal Party, you may get your day in court, but for the average property owner, it looks like they're out of luck.

Secondly, when we requested the science behind this bill through an FOI request, we were given a bill of \$1,400. Clearly they're hiding the science. The LEAR studies the minister boasts about are not available to the public; they're ghost studies. We think, and we believe we're right, that the only science behind this is political science, not environmental science.

Will the minister please agree, before calling this bill for third and final reading in the House, to commit to a fair and transparent appeal process and put forward publicly all the science behind this bill?

Hon. Mr. Gerretsen: It may come as a surprise to this particular member, but the science that was used in determining the greenbelt was exactly the same science they used with respect to the Oak Ridges moraine. We looked at the LEAR system from the Ministry of Agriculture; we looked at the natural heritage system from the Ministry of Natural Resources. We combined the two and found the science of the area that's proposed to be part of the greenbelt to be exactly what we thought it was going to be, and that's how we determined where the greenbelt is going to be located.

We want to make sure this greenbelt is permanent. That's why we're saying that there are no appeal mechanisms and that the plan will be reviewed once every 10 years, in a concise way, as laid out in the act, through a full and public process at that time. That's the way we can make sure the greenbelt will be permanent for future generations.

MUNICIPAL FINANCES

Mr. Michael Prue (Beaches–East York): My question is for the Minister of Municipal Affairs and Housing. Because of your inaction, the city of Toronto is being forced to sell the furniture to pay the rent. You owe the city of Toronto \$47 million, but you refuse to pay up. But now that Toronto is forced to sell its assets at a garage-sale price to pay the bills, you're the first in line. You told the Toronto Star yesterday that you would absolutely, unequivocally like to have your hands on the Toronto Hydro lands and even the Science Centre property.

Is this the new deal for cities: Starve them and then take the land off them? What is your new deal for cities? Nineteen Toronto Liberal MPPs are missing in action. When are the 19 Toronto Liberal MPPs going to stand up and say that your new deal isn't a new deal; it's a raw deal?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I'm

pleased to get this question from the member opposite, because it gives me an opportunity, once again, to say that what this government is doing for the city of Toronto is \$80 million more than the city of Toronto received from the government in 2003. What do they get for a total of \$217 million? They get \$91 million or more in provincial gas tax funding, \$74.5 million in transit capital funding, \$20 million in TTC improvements, \$25 million in assistance to promote a competitive business climate and \$6.3 million in public health costs uploaded to the province.

We are proud of that record. We are proud of providing them with \$80 million more than two years ago. And do you want to know something? Next year, it's going up by another \$95 million to \$317 million. We are proud of Toronto, and we want to make sure it will remain the economic engine of this province.

Mr. Prue: Mr. Minister, you acknowledge that Toronto needs a permanent solution, but this isn't a permanent solution. The mayor of Toronto requested a joint review of the books by the municipal and provincial auditors, and what did we get? You didn't agree that they be audited. All there was was one-sided finger pointing by your Minister of Community and Social Services. Toronto has nothing to hide. All we see being hidden is from your government: hide, hide, hide.

While Minister Papatello is pointing the finger at Toronto, 19 Toronto Liberal MPPs have been missing in action. Not one of them has spoken up for our city. Minister, are you instructing the 19 Liberal members missing in action to demand a fair deal for Toronto? Is that the reason for the great silence emanating from your benches?

1440

Hon. Mr. Gerretsen: The Minister of Community and Social Services would never point the finger at Toronto. Let me also say that we are extremely proud of the 19 MPPs from Toronto, cabinet ministers and other members, because they fight for the city of Toronto and the province of Ontario on a day-to-day basis.

Let me also say that, yes, we are going to make changes. We're working with the city of Toronto to make sure that the City of Toronto Act reflects the realities of the 21st century, in exactly the same way we're working with the rest of the municipal world in Ontario to make sure changes to the Municipal Act will give municipalities more power and more permissive authorities.

We're proud of our record as to how we're working with municipalities. We'll continue to work with them and the city of Toronto, hopefully, for many years to come.

SCHOOL CLOSURES

Mr. Michael Gravelle (Thunder Bay–Superior North): My question is for the Minister of Education. Minister, as you well know, the Lakehead District School Board has made what they describe as "a final decision" to close 14 schools in the Thunder Bay area, seven at the

end of this school year and seven more in 2007. In that regard, last week you announced a new policy regarding school closure guidelines that came along with substantial funds for facility renewal.

Minister, despite your public assertion that these new guidelines will have a significant impact on the board's decision, there still seems to be some confusion as to whether these new guidelines will compel the board to make further alterations that could affect the final number of schools closed on behalf of the board and, perhaps more particularly, those children and families affected by the potential school closures. Can you clarify precisely what impact these new guidelines will have on the public board's decision-making?

Hon. Gerard Kennedy (Minister of Education): There was provided, for first time in fact in this House, a copy of a report that changes the world in terms of schools staying open, in terms of how we value our schools. It is a different way of looking at the assets we have. In fact, for the first time we regard our school space, first and foremost, as an asset.

The schools that are being talked about in Thunder Bay have a value of \$66 million. In the advice we've given to boards, we are telling them about how the capital funding formula is changing, so there's about \$6 million for the repairs attached to those particular schools. There's also operating direction in terms of where we're going with the operating formula, and we've invited the board to sit down with us and address how declining enrolment areas in Lakehead and elsewhere can be dealt with.

Finally, we are going to review every one of the boards that put forward closures during the moratorium because it has to be done. We need consistency and we're going to make sure that the spirit in the letter of what we proposed is going to be a benefit for every student, equally felt all around the province.

Mr. Gravelle: For my supplementary, I think I'd like to ask you how the process perhaps might move forward. Certainly, we know that time is running short, particularly for those schools scheduled to close this coming June. In fact, it's my understanding that the board and trustees are meeting tonight to put more detail into their closure plans.

My supplementary is, will the Lakehead District School Board be able to continue to move forward directly on its closure plans and, if not, what can the board and the public expect to happen next? Perhaps more importantly, how quickly will all this unfold?

Hon. Mr. Kennedy: The boards in Lakehead and elsewhere in the province can expect from us what they didn't get from the people opposite, which is some respect in terms of what they've done, but also the need to make sure that every student benefits. We are writing to each of the boards and asking them to hold up any closures that they have in process, any closing processes that they're doing, in consequence of a dramatic change in the resources that are available to them.

Interjections.

The Speaker (Hon. Alvin Curling): Order. I'm going to start naming members—first of all warning them and then naming them. I'm having a very difficult time hearing the question and then the answer, and the heckling that goes across, back and forth, is not helpful. So from now on, I'm going to start making sure that I name these members so we can get on with the proceedings of the day.

Hon. Mr. Kennedy: There are at least five different ways that the Thunder Bay situation has changed—in operating funds and capital funds in the guidelines that they have to go through and the way they assess their entire situation in terms of capital planning. All of that will have to jibe in order for those closures to continue.

We have not taken power away from boards, but the province does set the guidelines and the guidelines will have to be followed. We're going to work closely with the Lakehead board and other boards around the province, because this is a better future for their students. There is more benefit involved if the schools that stay open or the schools that eventually might close are done only when it's better for the students to go to those exact schools. For the first time in Ontario, that's what's possible for all students right across the province.

TRANSPORTATION

Mr. Jim Wilson (Simcoe-Grey): My question is for the Minister of Transportation. Minister, your government has acknowledged that clogged roads and highways are costing the Ontario economy up to about \$5 billion annually and the Ontario Chamber of Commerce says that gridlock is costing businesses across the province an additional \$5 billion a year in lost time and productivity. Yet in the last couple of weeks, we have learned that GO Transit is increasing fares for commuters by an average of \$6 a month for the average transit user, and students are being hit with two fare increases, with a further 5% hike in student fares.

Instead of unlocking gridlock and encouraging ridership by reducing fares, you're spending \$8.5 million to install French-language signs throughout the GO Transit system. Minister, this is a very rigid interpretation of the French Language Services Act. Less than 1% of people in the GTA even speak French. How can you justify spending \$8.5 million on signs when you could hire 212 new French-language teachers or build a new French-language school for \$8.5 million?

Hon. Harinder S. Takhar (Minister of Transportation): Congestion is an issue in the Toronto area; there's no question about it. That is why I introduced the legislation yesterday that will help us improve some of the traffic flow in the Toronto area.

The other issue is that in order to relieve congestion, we have to improve service for GO Transit, and we are absolutely committed to doing it. We signed a \$1-billion agreement with the federal government and we are working closely with the municipalities to improve the service. One of those features is that we have to make

transit accessible to those who use it, and making signs visible so that people can read where to take GO Transit and other transit services is part of our plan to do that.

Mr. Wilson: By spending \$8.5 million on signs that aren't needed, you are simply ignoring the facts of the makeup of the GTA and its population. More people speak Punjabi, Chinese and Italian than speak French. It's impractical to ignore the makeup of your own riding, places like Mississauga, Brampton and Barrie.

That \$8.5 million would buy 11,000 cardiac surgeries or 42,000 MRI scans, which the Premier was bragging about yesterday. It would buy you, as I said, a new French-language school or 212 new French-language teachers. Why don't you just back off, amend the act, do what is common sense, respond to the true population out there, and don't waste \$8.5 million when there are so many other priorities that your government should be looking at?

Hon. Mr. Takhar: I come from the Peel region, so I think I know what needs to be done in the Brampton or Mississauga area. I think what we need to do is improve the service on GO Transit, and that is what we are absolutely committed to doing. We are not only going to improve the service, but we are also going to make sure that we have a seamless and integrated service available to the users from those areas.

Part of that also is to make sure that people can read the signs. We will not only make it available in French, but we will also make sure that if other requirements are there, we can address some of those issues as well as we go along.

ALLEGED SEXUAL ABUSE OF MINORS

Mr. Peter Kormos (Niagara Centre): To the Attorney General: Over three months ago, you and the Premier promised victims in Cornwall a full public inquiry into sexual abuse uncovered by the OPP's Project Truth investigation. The people of Cornwall haven't seen you since. You haven't appointed a commissioner. You've done nothing. You found plenty of time to push ahead with your ban on pit bulls. When are you going to find the time to provide some justice for victims of abuse in the form of a full public inquiry, as you promised?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): When I met with people in Cornwall, when I met with victims in Cornwall, I heard loud and clear that they wanted a number of qualities and qualifications in a commissioner for a public inquiry. They made it loud and clear that they did not want a commissioner from Cornwall or from that region. They made it loud and clear that they wanted to have a judge with experience particularly in criminal law. They made it very clear that they wanted to have somebody who had never had any contact with this file. They also made it clear that they wanted to have a judge who had all these qualifications and was also fluently bilingual.

I am working very hard and am having conversations with the chief justices of the Ontario Court of Justice, the Superior Court and Chief Justice McMurtry. I expect to have a decision from our potential commissioner within the next 10 days, and I hope to have an announcement within the next couple of weeks.

1450

Mr. Kormos: These people are somewhat disappointed that you would blame them for the delay. You promised a full public inquiry.

The victims want to know this, Mr. Attorney General: Will you stop the gag orders that the provincial government has imposed upon victims who have settled with the province of Ontario? It's imperative that those victims be allowed to speak openly about the abuse and the attacks imposed upon them. It is unconscionable for this province to gag victims who have to live with that abuse and those assaults. Will you drop the gag orders that the provincial government imposed upon those victims, so that when your inquiry starts, those victims will have full opportunity to speak to the inquiry and to the public?

Hon. Mr. Bryant: The member knows that all of that is complete nonsense. It is unfortunate that victims would have to hear that complete nonsense.

Contrary to a gag order, this government is the first government with the courage, in the face of years and years of allegations, to finally bring to bear a public inquiry so that we can get to the bottom of what happened in Cornwall. That's what this government is doing.

FETAL ALCOHOL SPECTRUM DISORDER

Ms. Laurel C. Broten (Etobicoke-Lakeshore): My question is for the Minister of Consumer and Business Services. Last year this Legislature rose unanimously and supported an amendment to the Liquor Licence Act, known as Sandy's Law, whose goal was to raise public awareness with respect to fetal alcohol spectrum disorder, an unfortunately common yet preventable disability which is estimated to affect at least one in every 100 babies or 300 Canadian children each year. This amendment came into effect on February 1 of this year. Can you please tell us what exactly this amendment is and how public awareness will be raised in all of our communities and across the province as a result?

Hon. Jim Watson (Minister of Consumer and Business Services): I want to thank the member for Etobicoke-Lakeshore, but in particular I'd like to thank the member for Prince Edward-Hastings, because it was a result of his leadership and his personal commitment to this tragic situation that befell his family that we in this House passed Bill 43 unanimously.

This is a law that's aimed at education and prevention of fetal alcohol syndrome. Sandy's Law is about choice and taking responsibility. I'm pleased that our government, the McGuinty government, worked with Mr. Parsons to ensure that licensed establishments and beer

stores and liquor stores now have to display this reminder of the consequences of drinking while one is pregnant.

Ms. Broten: I have certainly received numerous calls of congratulations and support for this from restaurants and bars and community members in my riding of Etobicoke–Lakeshore. Who exactly is going to be required to comply with this law is the question that they're asking, and what should they be expecting to see in their community as this law comes into full force and effect?

Hon. Mr. Watson: I had the pleasure of going to Belleville with Mr. Parsons. As of February 1, all licensed establishments in Ontario are required to post these signs, and also beer and wine stores and brew-on premises. The sign reads, "Warning:: Drinking alcohol during pregnancy can cause birth defects and brain damage to your baby." Individual operators and licensees are able to download the poster free of charge from the Alcohol and Gaming Commission Web site, which is www.agco.on.ca. I'd encourage those businesses that have not posted the sign to please do so, because that is part of the law that was passed unanimously by this House. Again, I congratulate the honourable member Mr. Parsons for the work he has done. It shows that when this institution works together in harmony, we can make a difference.

INFECTIOUS DISEASE CONTROL

Mr. Toby Barrett (Haldimand–Norfolk–Brant): My question to the Acting Premier is about H5N1. Last year in the Legislature, your Minister of Agriculture accused me of fearmongering on this subject. On April 15 last year, a day after I asked what the government's plans were for H5N1, your minister said, "I think it is very unfortunate that we are fearmongering in this province." You know this file. Do you feel that asking questions about bird flu is fearmongering?

Hon. George Smitherman (Minister of Health and Long-Term Care): What I do know on this very important subject is that the Ministry of Health and the Ministry of Agriculture have been working very closely with a variety of interested people. We have, of course, been taking lessons that have been applied through the work of Health Canada, and working very closely with the World Health Organization with a view to learning all the lessons that can be learned.

We've worked hard in the province of Ontario, in the time since we came into office, at enhancing our capacity to address challenges around infectious disease. We've worked very closely, taking a look at the circumstances that occurred in British Columbia. All these things taken together do demonstrate that we take all these problems seriously. That's why we've worked so hard over the course of the last year.

Mr. Barrett: Acting Premier, you are going to have to have a chat with your Minister of Agriculture. Dr. Julie Gerberding, the head of the Centers for Disease Control and Prevention, is now saying scientists expect Asian

bird flu virus will change into a flu that can be transmitted between humans. She considers this "a very high threat." Hans Wagner, of the United Nations Food and Agriculture Organization: "At the moment, we are not on top of it."

Acting Premier, you have to explain to your Minister of Agriculture that these experts are not fearmongering. Is there no plan, for example, for landfilling diseased birds in this province? Eighty per cent of BC's birds had to be landfilled; they had to be buried. I've asked this question before: What landfills are being targeted? What steps are being taken to prevent an outbreak of H5N1? Is your Minister of Agriculture or your Minister of the Environment listening to their staff? Is there a plan?

Hon. Mr. Smitherman: Not only will I have chats with the Minister of Agriculture; I will continue to do what our ministries have been doing together—and rather well, I'd say—which is working to make sure that Ontario is well prepared in the event that these circumstances unfold here.

The honourable member does seem a little prone to suggesting that there isn't being anything done; I'm not going to characterize that. But what I can tell the people of the province is that the government of Ontario seeks to make sure that Ontario is a jurisdiction that has learned all the lessons from infectious diseases. We've taken very seriously the responsibilities that fell to our government to make sure that Ontario's capacity was enhanced, as a result of what we learned from SARS and on matters including the one that the honourable member raises.

I can tell him that we are involved in daily conference calls, working with the World Health Organization and with the Public Health Agency of Canada to make sure all the lessons that can be learned in other places can be promptly applied here. We have a plan, and we work toward improving it every single day.

VIOLENCE AGAINST WOMEN

Ms. Marilyn Churley (Toronto–Danforth): I have a question to the Minister of Community Safety and Correctional Services. Last week, Szilvia Veres was murdered by her abusive ex-boyfriend, despite court orders that he not contact her. This is one of several recent tragic deaths that show how the bail system chronically fails to protect women from domestic violence.

Your government's strategy to combat domestic violence does not do what coroners' reports and women's advocates say is needed to protect women from bail violators. Requiring police, crown attorneys and JPs to use standardized risk assessments in determining bail conditions is one such long-overdue measure. These many experts agree on the need to use these risk assessments, but your government has chosen to introduce them only as a couple of pilot projects in a couple of municipalities. Will you listen to the experts and immediately require that risk assessments be conducted in all domestic violence cases across Ontario?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member for the question. She raises a very good question. You know that ODARA, the Ontario domestic assault risk assessment review, is aimed at preventing these things from happening. It has been tested clinically. There's no question that it works. It has been lauded by many psychological institutions and magazines. The problem we have—it's not a problem, but what we're going through is that we've made a pilot project both in North Bay and in Ottawa. The reason is that it isn't whether or not the assessment works; we're satisfied that it does. But what we have to do is make sure it is implemented properly. We have to make sure that the crowns, the defence and the judiciary understand how it works, and we have to learn how we can make sure it's effectively implemented. The program itself is not the issue. It's the implementation, and we can only do that through these pilot projects.

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Ms. Churley: Minister, the problem is that women are dying, and some of those lives can be saved if you act now. Unfortunately, what it looks like is that your government is more interested in saving money than in saving these women's lives. It's already in place. You can move now. Your own ministry's domestic violence death review committee cites cases about women being killed by abusive partners who have breached bail conditions. To stop such homicides, violent abusers should be detained in custody after they breach bail, not re-released with a new condition of bail. This is a measure that experts in the field have been calling for for years. You are responsible for administration of the bail system. You can make this change now.

I'm asking you again, for the sake of women's safety, will you immediately mandate that if an abuser breaches bail, they are detained in custody instead of being eligible for release after yet another bail hearing? Will you do that?

Hon. Mr. Kwinter: Unfortunately, the member is not correct. I do not have the ability to decide on bail hearings. That is done by the judiciary. I do have the ability, as we have done with the OPP psychological unit, to develop this plan. It has been tested extensively. We're satisfied it's the best plan available. We are running through the implementation process. It doesn't make any sense to have a plan if it doesn't get implemented, and we don't have the ability to implement it on our own. We have to have the co-operation of crowns, we have to have the co-operation of the judiciary, and we have to make sure we can do it effectively so that we can in fact prevent these things from happening.

DOMESTIC VIOLENCE

Mrs. Carol Mitchell (Huron-Bruce): My question is for the Minister of Community and Social Services. On December 13, 2004, along with the Premier, you announced the domestic violence action plan. I am

encouraged by your determination to help and protect those women and children fleeing domestic abuse. This is the first substantive plan put forward by a provincial government in the area of domestic violence for over eight years. Can you tell me how a woman in my riding will benefit from the initiatives brought forth in the domestic violence action plan?

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): Let me take this opportunity to congratulate the member from Huron-Bruce, a loud advocate for women, a loud advocate for the women of Huron-Bruce. I had the opportunity to speak to a number—well, hundreds, actually—who piled into a town hall not too long ago in the dead of winter, as I recall, with wintry roads getting to Huron-Bruce. We had a very good conversation that night, and that was in advance of our announcement.

The focus is largely on four areas. One of those, of course, is prevention. The most significant shift, I believe, is in the area of prevention. Frankly, all sides agree that this is a necessary part of getting rid of the mentality that it's okay to have abuse against women. So that's an important part. The second is community supports. The third very important area that, again, all sides agree on, is in the area of training, not just of front-line workers but of all of us, friends and neighbours. The fourth is the area of justice.

Mrs. Mitchell: Thank you, Minister, and especially for braving our snow to come into Huron-Bruce to talk about the plan. It's very important to hear from the rural communities. I'm confident that this plan will not only aid those fleeing abuse, but will also help in the prevention of domestic violence in our communities.

Recently there have been some questions around your initiative to provide women's shelters with funding to help them in generating increased non-government revenues through fundraising. Can you tell us why you think this is an effective use of money?

Hon. Ms. Papatello: I appreciate that opportunity. As you know, over the several months that we've been the government, we've had an opportunity to meet with many, many shelters across the province. What is striking about this group is that they spend much of their time not only on a 24/7 kind of job in running the facilities; in addition to that, they also spend much time actually working on various events to fundraise. We know that it's about time the government acknowledged that this group of people works very hard and we have to offer them some kind of help. We know they're doing it already; they need help to do it. Those dollars ought not to be taken from any of the funding that is going to the direct operating of their facilities. So we know that it's going to be a support to them and we appreciate working with them.

HIGHWAY 7

Mr. Norman W. Sterling (Lanark-Carleton): My question is to the Minister of Transportation. Mr. Min-

ister, when are you going to start construction of the four-laning of Highway 7 between Highway 417 and Carleton Place?

Interjections.

The Speaker (Hon. Alvin Curling): Order. You were all doing so well, and then—

Interjection.

The Speaker: Order. Minister of Transportation.

Hon. Harinder S. Takhar (Minister of Transportation): Let me tell the member opposite that the design work for widening the first section of Highway 7, from Highway 417 to Jenkinson Road, was completed under our government. The design work for the second section, from Jenkinson Road to Ashton Station Road, commenced this past summer, and that also happened under our government. The previous government really didn't do much. The property acquisition for the expanded corridor is underway and is going to take maybe another 12 months for us to do.

Mr. Sterling: We have in the audience five members of county council who asked to meet with you at the Good Roads convention to talk about this particular item, but they weren't given an appointment.

Another tragedy occurred on this stretch of highway on January 24, when a 33-year-old man from Orléans died after being hit in a head-on accident. Only three days later, there was another serious accident and the highway had to be closed. An air ambulance came in to take one of the people away, who was critically injured.

Since coming into power, the McGuinty government has said that they are in fact going to build this highway, yet nothing happens. Would the minister assure these members of county council—the mayor from Carleton Place, the reeve from Beckwith township and the reeve from Montague township—that you will have the shovels in the ground this spring?

Hon. Mr. Takhar: I'm so glad the member asked me this question today, when they're all here. If this delay has occurred, it has occurred under their government. For eight and a half years they didn't do anything. Our government has been working diligently since then to actually address some of the issues that have been long outstanding, for eight and a half years. I want to ensure that we will continue to work with the local municipal officials to move this project forward.

The Speaker: Thank you. That brings us to the end of question period.

Mr. John R. Baird (Nepean–Carleton): On a point of order, Mr. Speaker: I would like to ask for unanimous consent for this House to consider an emergency resolution about the doctor crisis in Geraldton. It's an important priority that should have been brought up by the member opposite.

The Speaker: Do we have unanimous consent? I heard a no.

Interjections.

The Speaker: Can I get some order, please.

The member from Leeds–Grenville has a point of order.

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VISITORS

Mr. Norman W. Sterling (Lanark–Carleton): It's Lanark–Carleton, Mr. Speaker, and it's kind of important to get that distinction through.

I'm sure all members of the Legislature would like to welcome Mayor Paul Dulmage of Carleton Place, along with Councillor Dennis Burn, Reeve Richard Kidd of the township of Beckwith, Reeve Aubrey Churchill and Deputy Reeve Gordon McConnell of Drummond/North Elmsley, and the reeve from Montague, Gary Doyle.

The Speaker (Hon. Alvin Curling): There are many Reeves and many mayors visiting us today, and I want to welcome them all.

To the member for Lanark–Carleton, I'm sorry if I had mixed you up with the member for Leeds–Grenville.

NOTICE OF DISSATISFACTION

The Speaker (Hon. Alvin Curling): Pursuant to standing order 37(a), the member for Oak Ridges has given notice of his dissatisfaction with the answer to his question given by the Minister of Health concerning enzyme replacement therapy.

PETITIONS

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

“Whereas this great Canadian's original homestead, located in the town of New Tecumseth,” or Alliston, “is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I want to thank St. John's United Church, the Men's Club, and Tom Shepherd for circulating this petition and for inviting me to speak on this very important topic of the Banting homestead this Friday.

OPTOMETRISTS

Ms. Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Legislative Assembly of the province of Ontario will be considering a private member's bill that aims to amend the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases; and

"Whereas optometrists are highly trained and equipped with the knowledge and specialized instrumentation needed to effectively diagnose and treat certain eye problems; and

"Whereas extending the authority to prescribe TPAs to optometrists will help relieve the demands on ophthalmologists and physicians who currently have the exclusive domain for prescribing TPAs to optometry patients; and

"Whereas the bill introduced by New Democrat Peter Kormos (MPP—Niagara Centre) will ensure that patients receive prompt, timely, one-stop care where appropriate;

"Therefore, we support the bill proposing an amendment to the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases, and we urge the government of Ontario to ensure speedy passage of the bill."

I agree with the petitioners. I have affixed my signature to this.

ANTI-SMOKING LEGISLATION

Mr. Phil McNeely (Ottawa—Orléans): "To the Legislative Assembly of Ontario:

"Whereas smoking and exposure to second-hand smoke is the number one preventable killer in Ontario today, and there is overwhelming evidence that retail displays of tobacco products ... in plain view of children and adults increase the use of tobacco, we have collected 549 postcards signed by persons from our school and community supporting a smoke-free Ontario in 2005 and banning the use of power walls which promote tobacco use.

"We, the undersigned, petition the Legislative Assembly of Ontario to support the Smoke-Free Ontario Act to make all public places and workplaces smoke-free and to ban the use of power walls. The city of Ottawa has been smoke-free since August 2001. All of Ontario deserves clean air."

That's from Lester P. Pearson Catholic High School. There are signatures of seven students, and I will sign the petition as well.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): This is from the folks up at the Huronia Regional Centre.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live" in Ontario.

I'm pleased to sign my name to this.

WOMEN'S HEALTH SERVICES

Mr. Jeff Leal (Peterborough): "To the Legislative Assembly of Ontario:

"The Women's Health Care Centre supports raped and physically assaulted women, nursing mothers and women going through menopause. It also provides physical exams for women and information on family planning. The closing of this facility would leave a void that is not filled by any other service in Peterborough;

"We, the undersigned, feel the Women's Health Centre of Peterborough, Ontario, is vital to our community and should not have its funding cut by the government."

I'll give this to the page, Jason. This petition is from the citizens of the riding of Peterborough.

STUDENT SAFETY

Mr. Jim Flaherty (Whitby—Ajax): "To the Legislature of Ontario:

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I've signed my name.

ANAPHYLACTIC SHOCK

Mr. Kim Craitor (Niagara Falls): I'm pleased to present this petition on behalf of the residents of Niagara Falls.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned" request "that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I'm pleased to sign this petition.

VOLUNTEER FIREFIGHTERS

Mr. Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

"Whereas the Ontario Professional Fire Fighters Association has declared their intent to 'phase out' these double-hatter firefighters; and

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario; and

"Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to

pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

This is signed by a significant number of my constituents, most of whom reside in the township of Wellington North. I want to thank the folks at the ROMA-Good Roads conference for also circulating my petition at their conference this week.

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): I appreciate this opportunity.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I put my name to this petition and hand it over to Ian, our page.

1520

HEALTH CARE

Mr. John O'Toole (Durham): I'm pleased to present my first petition, actually, in some time to the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced in their budget that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services; and

"Whereas abandoning support for these services will place greater demand on other health care sectors such as physicians, emergency wards and after-hours clinics; and

"Whereas no Ontario citizen should be denied access to necessary medical care because of lack of funds;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the mean-spirited decision to delist eye exams, chiropractic and physiotherapy services and restore funding for these important and necessary health services."

I'm pleased to sign this in support of my constituents in the riding of Durham and across Ontario.

TTC RIGHT-OF-WAY

Mr. Tony Ruprecht (Davenport): I keep getting petitions against the TTC right-of-way on St. Clair Avenue West. The petition is addressed to the Parliament of Ontario, the Minister of the Environment, and it reads as follows:

"Whereas the city filed the ESR, the environmental assessment report, and issued the notice of completion on November 22, 2004, and initiated a 45-day public review period;

"Whereas environmental impacts of the dedicated right-of-way significantly affect the quality of life of nearby residents" and "dramatically and detrimentally" affects them;

"Whereas the availability of other alternatives to the project have not received careful consideration;

"Whereas the public consultation program and the opportunities for public participation have not been adequate;

"Whereas specific concerns remain unresolved, such as curb cutting, therefore reducing the sidewalks in such a way as to decimate community life;

"Whereas the city/TTC have not made their case within the parameters set out by the Environmental Assessment Act. The act defines 'environment' to include 'the social, economic and cultural conditions that influence the life of humans or a community.' The city has not established the need for the project, nor has it adequately assessed the potential socio-economic impacts that would result from constructing a dedicated streetcar lane on St. Clair Avenue West;

"Therefore we, the undersigned, demand that the Ministry of the Environment issue a part II order which would subject this St. Clair project to an individual environmental assessment."

Since I agree with this petition wholeheartedly, I'm delighted to sign it.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "Save Huronia Regional Centre, home to people with developmental disabilities.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm more than pleased to sign my name to that.

SENIORS' TRANSIT PASS

Mr. Tony Ruprecht (Davenport): Mr. Speaker, thank you for recognizing me twice in one day. That's a real record.

I have a petition. It's addressed to the Parliament of Ontario and the minister responsible for seniors, and it says that we should grant free TTC passes to seniors:

"Whereas most seniors live on fixed incomes which are eroding every year"—and every day—"due to inflation costs and other necessary expenses;

"Whereas most seniors have their freedom severely restricted when unable to go about their daily business, which includes public transit;

"Whereas most seniors should be encouraged to live active, healthy lives—visiting friends, relatives, going shopping etc.;

"Whereas other jurisdictions already provide free local transit passes to seniors, namely, many cities in the USA;

"Therefore we, the undersigned, strongly urge the Minister of Municipal Affairs and Housing, and responsible for seniors to ensure that seniors be granted a free TTC pass, and/or introduce legislation that will force the local Toronto Transit Commission to issue free TTC passes."

Since I agree, I am really delighted to sign this petition as well.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live" in Ontario.

I'm pleased to sign my name to that.

ORDERS OF THE DAY

EDUCATION AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR L'ÉDUCATION

Mr. Kennedy moved second reading of the following bill:

Bill 167, An Act to amend the Education Act / Projet de loi 167, Loi modifiant la Loi sur l'éducation.

The Speaker (Hon. Alvin Curling): Mr. Kennedy.

Hon. Gerard Kennedy (Minister of Education): I'll be sharing my time with my very hard-working parliamentary assistant, the member from Sault Ste. Marie, Mr. Oraziotti.

I'm very pleased to rise today to bring this debate to second reading. This is a debate about a fairly straightforward bill, but it is about one of the most important outlooks, I think, in publicly funded education; that is, the shared aspiration on the part of students and parents and teachers, and all workers in the system, and probably the public as well, as they were touched by things in the past, to see peace and stability become a permanent part of how education takes place in this province.

I think if we were on the parliamentary feed being picked up by stations outside the province, they might be scratching their head and wondering why it would be necessary for a government of the day to make an effort for peace and stability in the school system. Unfortunately, in this effort as in so many others, we are following the legacy of a government that took away a lot of the very things that most people would agree we should be able to take for granted in our publicly funded and publicly delivered services.

The bill in question is one part of a plan. It's in a context of delivering peace and stability, of being able to bring the right kind of balance back into our education system and its administration at the provincial level.

The amendments to the Education Act, very simply put, take on a prior government's decision to make all the contracts in the province due on a single date, so that effectively the teaching agreements at least, 105 of them, came due August 31. It's the first time the province was

put in that particular challenge, that particular predicament. In the unusual nature of it, just by itself, even without the history I'm going to relate a little bit of, it would require some proactivity on the part of our government.

In assessing the situation, we have conducted long deliberations and discussions with people in the sector, as has become our way, to gather up consensus, to find the best way forward. We arrived at the idea that a two-year or a four-year term to those collective agreements, which is essentially a variation on the three years the previous government had put in, would be useful and purposeful in terms of helping to change relations in education to a new era of peace and stability.

We are being proactive in that respect, but also providing the flexibility we think is necessary, so that we actually do get the kind of labour agreements and the kind of outlook on behalf of the public and the teachers that we need to be able to go forward. That outlook is really an essential part of what we've been able to accomplish so far. One aspect of it can be basically determined as respect for teachers. We fundamentally have found it necessary to put that proposition forward. The people who work in that profession need to get a very strong and consistent signal from this Legislature, from the government of the day, from the administration of the Ministry of Education, that we are conferring respect, that we do regard them as professionals and that we do see huge opportunities for them to help advance the system exactly the way they want to and have been frustrated in in the last number of years.

1530

The era we're leaving behind was stricken with 25 million lost school days—25 million days taken away from students by mismanagement at the provincial level by the previous government. They were taken away by an era of conflict—a conflict that was really conjured up, I believe, in some of the political calculations that the last government made. It is sad to think that those calculations, which were never protested by any of the backbench members who serve that party here today as members of the opposition, never found public claim, in terms of saying, "Enough is enough. Our kids should not be subject to these political manipulations and mechanisms." But instead, it was gone along with and supported. That has put all subsequent governments in a position of having to compensate, of having to bring back to the system the kind of non-partisan environment that it requires to go forward.

We are working through this bill. What it simply does is require that the terms of the agreements move from three years to two and four years. Those are the kinds of agreements that are most likely. I can tell you what our bias is, as we encourage the local collective bargaining to find agreements: It certainly is toward the longer term. We certainly believe that there needs to be a respite and that it is in everyone's interest to not have to worry about how arrangements will be. It is obviously important that if those longer arrangements are to be arrived at, they

contain, as well, respect for the system and respect for teachers that we think is the hallmark of our efforts so far in terms of bringing positive change within publicly funded education.

We have put forward, in addition to the legislation that we have in the House today, a general framework to assist boards and teacher federations in arriving at the kind of agreements we know they want, goodwill agreements that are good for teachers, good for the school system and good, ultimately, for students. We know that aspiration is captured in this bill, but it is also captured in some of the related actions of the government.

We have provided, for the first time, a dialogue at the provincial level to acknowledge that some of the things that influence the success of those local negotiating tables need to be resolved, or at least a significant effort needs to be made to resolve them, at the provincial level. Why? Because, like the bill we're debating today, there are things that have been put into the Education Act that are outside the reach of local bargaining and which need to be solved in order for local bargaining to be successful. An example of that would be some of the provisions around secondary workload, around some of the aspects of how preparation time is defined in elementary and a range of other things having to do with workload.

I'm very pleased to report to the House that all of the federations representing teachers in this province and making sure that their interests are looked after have agreed to take part in a form of dialogue, as have the representatives of the public school boards, the Catholic school boards and the French school boards. In effect, all of the people in education who are participant to those local negotiations are participating in a provincial dialogue about other things. But these other things often can get in the way of what happens locally. We want to assure everyone that what we're doing is simply to try and create the conditions under which local bargaining will be successful and under which both parties will choose the best, most stable situation for their boards and for their students. It is a bit of a change of channel for everyone involved in education, and it takes some time to effect that. That's why it is so important that this bill be supported by this House.

I think, for every member in this House, this is an opportunity to send a signal in support of the efforts within education to normalize things so that they can get on with the business of learning. Too much of education has been about conflict inspired from this room, that has come from measures, unnecessary interference, on the part of the provincial government in the past, setting terms and stipulations that don't necessarily add up to the right kind of education in the schools, in the different situations we find across the province. We have approached our role in this very carefully, listening very hard, talking to all the participants and making sure that what we have on offer is generally going to improve the situation. I think the participation that we're getting in the provincial dialogues is proof in itself that there is an acceptance, that there is an important role to play.

I think that with the gift, if you like, of the last government to put all the contracts due on a certain date, it means that we haven't arrived at all of the positive changes that we want in education, and this gives us a chance to be able to dialogue with some of our partners in education about how those are going to look and how they may indeed influence the conditions that they seek under collective agreements.

There is a long-term view on the part of this government. We have an outlook encompassing the four years that are going ahead to see how students are going to improve. As much as we need to invest, as we did last week, in the buildings, as much as we have invested in the months before in the extra staffing, in the reductions in class size, in the learning materials, in the more focused goals, in the bringing out of the potential of the instructors and the educators and the support workers so that we can bring out the potential of the students—as much as we've done that, we also need to take responsibility here in this House for the environment in our schools. We need to take responsibility for the environment in the classrooms and the staff rooms. That is not to say that we in this room—there are many qualified educators in this body, but none of us can influence that classroom except by making sure that we don't put up additional barriers, except to make sure that we provide the sense of respect, the sense of support, and the sense of taking responsibility for those things that we can, which they have every reason to expect from us but which I think most objective observers would say was not present for too many of the last number of years.

We're putting forward here an ability to provide support. For the first time, we are standing behind resources for school boards, to make sure that they are in a position, going forward, to enter into long-term agreements should they so choose and should they have that choice made, also, on the part of the education workers.

We're also making sure, for the first time since the funding formula came into place in 1998, that we're actually paying the real cost of the increases that are available. So we've provided a real amount of money in the funding formula to make sure that we don't have what has been so much a hallmark of funding decisions in the past, which is that things are announced at Queen's Park and there is a requirement by boards and by others to come up with some form of adaptation. That adaptation often gets in the way of providing quality education. We're working our way toward a very transparent and very accountable funding formula, which we can't say has existed in the recent past and which will take some time yet to bring about.

The transparency, though, will also give boards some ability to show to us that they are able to accomplish their multiple responsibilities. It is not just the environment that comes from the collective agreement; it's also the environment that comes from some of the changes that people in education have been asking for for so many years. Educators and others have recognized, I think far ahead of the people in this room, that we can do things.

There are insights we have about education that will positively influence the future of so many children in this province.

One of those is lower class size. There has been, I think, a consensus for a very long time that we're short-changing students by not giving them the attention at the earliest age possible. Lower class size from JK to grade 3 is one of the things that's going to add to stability in this province, because it means that we added, last year alone, almost 1,200 new teachers, that we're improving the status of the teaching environment in 1,400 schools just in the first year, just in the first instalment. To be able to do that, we've established the guidelines to make sure that those dollars are happening, and yet at the very same time there are adequate resources to make sure there are good, fair and respectful collective agreements happening around the province.

The same can be said for secondary. Our secondary teachers and administrators have known for some time that we need to make a renewed effort in terms of keeping students in school. Too often, 16- and 17-year-olds in this province have been casualties—most recently, of a revised curriculum that didn't take a heck of a lot of our students into account, and more importantly, that denied those children some of their potential. I say "children," but they're really young adults, young adults who found out that they were still struggling to pass reading and writing tests in grade 10, and then turned around and found they could have no support, that there was no remedial available. Somehow, they were being defined on the outside of what was seen to be the mainstream. There's only one mainstream, and that's one that includes a successful outcome for every single student. To do that, we need to make sure that those resources are available.

We're still deciding the exact shape of some of that. I'm pleased to report that there were approximately \$18 million in additional pilot projects approved by our government this year and that we are sizing up a real, substantial change in how our high schools will operate in the future. Part of that is about the peace and stability that we need to have, part of it is about the predictable funding arrangements and part of it is just the ability to plan.

1540

As I travel the province and as the Premier does—he visits schools on a frequent basis—we're finding that there is a new energy, that there is a new spirit of possibility. We are fortunate in this province to have very skilled educators, to have a system that has delivered excellence despite very difficult conditions.

The one thing I would say to people out there who question whether or not we should be aspiring for so much on the part of our students is that the only thing we want for them is something that's already available in some parts of the province. In some parts of the province, we have the answer to the dropout rate. In some parts of the province, we have the answer for kids who are aspiring for higher levels of literacy and numeracy and

good foundations in all the other things we want to bring them in their education. It's simply our job in this House to allow that system to work together, to actually, maybe for the first time since it's been redesigned, have publicly funded education operate as a system so that the good ideas that take place in Thunder Bay or in London or in any part of the province are actually available right across the province.

The kinds of things that educators can do, provided with the right environment, and the kinds of things systems can do, provided with the right kind of support from here, are exactly the things that we want to have happen. But they won't happen unless we make a decision here in this House that we're going to be able to take responsibility for supporting that environment; that is, the intangibles of making teachers and education workers and support workers feel respected. That respect has to translate into the arrangements around working conditions. For example, a reduction in class size for elementary teachers will reduce the number of students they have to deal with by 15% to 20%. Unfortunately, too many students were getting lost in the crowd under the previous approaches. That cost may seem to be small, to crowd more kids into the classroom, that may be seem to be something that's easily done, but it's an accumulated cost that we pay for over and over and over again.

Conversely, as we provide this environment, and as we provide the mix of resources that is contemplated in the supporting ideas around this bill, we're able to provide a high-quality education—I won't say with the least effort, because I know that our educators provide a focused amount of effort to every student in their class. But, by doing it at an early age, we're helping the students and we're helping our educators. The frustration can be enormous when you have someone arrive in your class in grade 10 or 11 who has not had very much success. It's very tough on their self-image and, frankly, it's difficult for anyone to compensate for what has gone on before when they get to that stage. But by doing it at the earliest of ages, we're providing for tremendous possibilities for the future. Similarly, we have sent a strong signal throughout the school system that we're not giving up on any students. They may not have gotten that attention in the past, but whether they're in grade 8 or grade 9, or this year in grade 12, they deserve to do better.

We have an attitudinal outlook in this province that says that everyone should go to university. Eighty per cent of parents believe that. We want parents and grandparents to be strong in their ambitions for their children and grandchildren. But each of us has to take some responsibility here. Only 28% of our students are getting into university, and we're the leading jurisdiction in the country. We can do better, but ultimately we can't make any of the students who don't end up in university feel as if they haven't reached their potential. There are so many good outcomes, whether it's a work experience with learning, an apprenticeship, college or university.

Part of what we have today is a piece of an outlook for peace and stability that will allow that to happen. There is

not a single good reason that we should allow the record number of students who in the last year of the previous government ended up not succeeding in getting a diploma. Eight thousand or nine thousand additional students didn't get a diploma. None of that should have happened and it doesn't need to happen in the future. When we have a record dropout rate, that is a consequence of how that was handled. Under conditions of peace and stability, which I recommend to every member of this House to take some responsibility for, not just in this bill but in how they treat education, how we discharge our responsibilities as elected officials—like it or not, we'll soon put to each member of this House another chance to go back to school and see for themselves that we really are part of the education system now in the ways we exercise our decision-making, the kind of influence we have on how it's perceived, the way we give encouragement to some of those discouraged students.

There is a positive role for us to play. But that role is not one of interference. We are not reaching in and we're not touching either what's happening in classrooms or, frankly, what's happening with collective agreements. We on this side of the House, at least, and in this government have shown a tremendous amount of respect. We're not the party of Bill 160. We're not the party of the social contract. We have not interfered. We have, instead, provided to find out the useful role that the provincial government can play. If there's a hallmark to anything we've done so far—from cutting class sizes to repairing problems to working with my colleague the Minister of Tourism to putting community use of schools back—it has been about finding the right role for the provincial government and respecting the roles of others: the role of the school boards, the role of the teachers, the role of the principals.

We think that ultimately our success—and we do feel that we're on the track for success—is going to come from getting everybody to optimize in their role, but that again brings us back to the intent of the bill. It is about us, in this room, taking responsibility for peace and stability.

If there's any compliment that has been paid to this government that I think both I and the Premier would wish to acknowledge—we can't take responsibility for it, in the sense that it has been based on everyone's efforts—it is that sense that people are telling us in school after school and parents are telling us that there's a new sense of possibility, that there are better things happening, that there's a new sense of what can be done. We're starting to get, as we spend time in schools, a flow-forward of ideas, of problems being solved, of ways to solve problems. That is how—and we're not there yet—a provincial government should run a school system, which is allowing it to be the best it possibly can.

There are things that we can do from this House. One of these is to help set the right kinds of terms, in terms of how the contracts can take place. Another is to take responsibility for where the provincial government in the

past has had its thumb on the scale but wouldn't acknowledge that it was involved in the conditions and wouldn't take responsibility. This bill is about taking responsibility as part of a whole package of helping to ensure that "peace and stability" is not just a watchword, not just a slogan, but a reality.

So far, it has been a reality in our schools, and I put to each member of this House that we each will have a corresponding responsibility over the next number of weeks and months and years to help make sure that, whatever else happens, whatever party has whatever point of view about education, we never again put us back to a point where it is taken out on lost days to students. We believe these measures will help ensure that that doesn't take place. In fact, they will unlock their potential, and I ask for every member of this House to support that concept and the plan to move it forward.

The Speaker: Further debate?

Mr. Frank Klees (Oak Ridges): Could I get clarification from you, Speaker? I assumed that we were doing one-hour leadoffs.

Interjection: He's sharing his time.

The Speaker: Minister, you're sharing your time?

Hon. Mr. Kennedy: Yes, Mr. Speaker; with the member from Sault Ste. Marie. I announced it at the beginning.

The Speaker: Oh, I'm sorry. The member from Sault Ste. Marie.

Mr. David Oraziotti (Sault Ste. Marie): I'm pleased to have the opportunity to also add comments to the second reading of Bill 167, An Act to amend the Education Act, 2004.

Some of the comments that I'll make this evening may be reacted to by both of the opposition parties here, because the cold reality of this legislation is that we are taking a new approach to education, one that has been long overdue in this province.

Let's be clear about our government's legislation with respect to the education system. It's designed with several key purposes in mind: to ensure that we put in place policies that give our students the best chance at success; to ensure that our partners in education openly participate in the development of strategies; to improve Ontario's education system; and to ensure that we restore respect for education workers and develop long-term stability in education—something that has been sorely lacking.

I want to commend the minister for his leadership in the education sector and for playing a tremendous role in helping to rebuild trust among the thousands of education workers in the province of Ontario, and also for the Premier's commitment to reinvest in education. I am proud to be part of a government that is reinvesting in education, that is taking a completely new approach to the education system here in the province of Ontario.

Having spent 10 years working in the education system, I know how difficult labour negotiations can be. We all know how contract talks can blur the focus on what our schools are there to do: educate Ontario's stu-

dents. Teachers and school boards should be, and they want to be, concentrating on the goal of improved student achievement and giving our children the tools that they need to succeed.

Disruptions caused by negotiating processes can disturb everyone: students, parents, teachers and administrators. Our government has been working hard to build an atmosphere of peace and stability in our education system. I heard my colleague from Peterborough talking about the disruption and the chaos caused by the past government. It couldn't be more accurate in terms of characterizing the past relationship of the provincial government with our education sector. Our government has been working hard to build this atmosphere of peace and stability in our education system and working hard to enshrine and ensure that our children's education is not disrupted. And that's a big job, because we're repairing years of distrust created by the past government.

1550

Think about it: We all remember former Minister of Education John Snobelen, who set out to create a crisis in education, to undermine public education, to drive resources into private schools. This is the type of vision the past government had for education, so it's no wonder there's distrust in the education sector. Creating stability in our schools is one way that we can help support an environment for teachers and students.

Since our government came to power, we have worked to build a genuine partnership with the education community. We have seen a renewed atmosphere of respect and co-operation emerge, following years of turmoil and tensions. We have moved quickly to address the old politics of division. Where the previous government cut millions from the education system to pay for tax cuts for the wealthy, we're investing billions in the most valuable resource that we have in Ontario: our young people.

Our achievement and our targets and our strategies are taking hold and are making a difference in the province.

One of the first decisions our government made was to cancel the private school tax credit. The previous government tried to take hundreds of millions of dollars away from public education. I believe it was estimated that, when fully implemented, it would have had the effect of taking about \$500 million out of public education. We're making sure that public money is used for public education.

The previous government also imposed supervisors on boards, forcing local trustees to step aside. Boards in Ottawa and Hamilton and Toronto were simply taken over. Our government demonstrated greater respect for trustees through restoring control of supervised boards of education back to their trustees and to their elected representatives.

We've shown a much greater respect for teachers through the cancellation of the divisive professional learning program. As teachers in this province know, our government fully realizes that this was a punitive piece of legislation that failed to achieve the objective of true professional development for educators.

In addition, we have new proposals to revitalize the College of Teachers and improve development programs for all teachers in the province of Ontario. Our government wants a college run by teachers that is self-regulating, not politically interfered with by the government or unions but one that teachers can be proud of and that is truly self-regulating.

When we passed the Professional Learning Program Cancellation Act, 2004, last December, Minister Kennedy said that Ontario's 193,000 teachers are professionals and that we're going to treat them with the professional respect they deserve. I couldn't agree more.

The legislation we're debating today continues to build the atmosphere of peace and stability that our schools need. The previous government's legislation calls for three-year-term contracts. Our legislation would allow for either two- or four-year-term contracts, with a stronger encouragement for the latter. This allows negotiations to take place in an environment that is conducive to fair, honest collective bargaining, with the goal of building a strong, publicly funded education system. It's an approach that allows school boards and the government to do better long-term planning. It's an approach that means all parties will be better able to focus on improving student achievement, rather than struggle through the negotiation process. Ultimately, longer-term contracts and longer-term agreements mean more stability for students, parents, teachers and education workers. Our plan includes guaranteeing multi-year funding for boards that enter into either two- or four-year agreements.

The change in the length of teachers' contracts is just one of the ways that our government is restoring peace and stability to Ontario's publicly funded education system. We've consulted widely with teachers, parents and administrators and we have listened to their concerns and their ideas. Healthy working relationships among all parts of the sector are vital to the progress that students need and deserve; vital to the very future of Ontario's publicly funded education system.

We all know that good relationships are not enough. That's why our government is making major investments in our schools, investments such as the \$1.1-billion increase in education funding since coming to office. This investment was made despite an inherited annual deficit of over \$5 billion left to the people of this province by the past government. We've made this difficult choice so that school boards could address long-standing basic program needs and improve student achievement. Our struggling students have waited too long, our under-maintained school buildings now need the attention that they long deserved, and our program enhancements for students are way, way overdue.

So what have we done? Our government has continued to show leadership on education by continuing to increase support for our publicly funded schools.

Last week, Premier McGuinty and Minister Kennedy announced that school boards across Ontario will get \$280 million in annual funding to secure financing for \$4

billion worth of repairs, expansion and construction of new schools. As the Premier said, students have a much better chance at success when they learn in schools that are clean and safe and in good repair.

About half of the \$4 billion will be spent building new schools or expanding existing ones. Repairs and improvements that have been identified as urgent will begin within 18 months. I know in the Soo and Algoma region, having met with our local school board officials in my riding, the funding for school renewal has been received very positively. I know they have a long list of repairs that need to be done that have been neglected, that have forced them over the years to make very difficult choices in terms of addressing program issues or fixing desperately needed schools.

It's our firm belief that the people of Ontario support our investments and those that need to be made in the years to come. The people of Ontario also expect to see these investments produce results at schools and in their local communities.

With last week's announcement, we are improving the physical condition of our schools, and with this legislation we aim to improve the overall atmosphere of our schools. We know that, next to parents, teachers are the single most important influence on the lives of children. That's why we're reducing class sizes in the primary grades to give our teachers the time they need to give our children the attention they need in those all-important early years.

Teachers have applauded our investments to date that have allowed boards to hire 1,100 more teachers, resulting in smaller class sizes in 1,300 elementary schools. We're also supporting teachers better with targeted resources and specialized training for teachers to help improve young students' reading, writing and math skills. Student success leaders are now in every school board to help struggling high school students share best practices with other boards to help lower the unacceptably high dropout rates.

We are building new foundations through our school system. This allows us to set a new course for education in the province of Ontario. The determined efforts of all involved have already produced fruitful results on behalf of students and educators.

That is why I urge all members to support Bill 167. Pass this legislation and give the students in this province of Ontario the stability and peace they need in the education classrooms across the province.

The Speaker: Questions and comments?

Mr. Jim Wilson (Simcoe-Grey): It's interesting to hear the Liberals go on about all the great things they're doing in education. It must be my imagination that every school board in the province is poised to go on a massive strike. Am I just imagining that, as I read it in the local papers?

By the way, if you think you had the teachers' unions in your pockets, you've got a big hole ripped in your pockets recently, I think, with the comments of teachers

from Simcoe county, for example. They're exactly the same rhetoric they used to use when we were in office.

So, welcome to the club, ladies and gentlemen. They hated David Peterson. They hated Bob Rae. They hated Mike Harris. And now they're going to hate Dalton McGuinty. That's the way it goes in the education field, and it's sad.

My mother taught for 34 years. In the last eight years of her teaching special education in St. Paul's school in Alliston, she hated it. She just hated it because it became so political and so politicized.

Interjections.

Mr. Wilson: And rude.

Interjections.

Mr. Wilson: Yeah, yeah, yeah. The point being, whatever stripe government is, the teachers fight with them. That is the history of my time.

By the way, I'm the last age group to go through that didn't experience any work-to-rule or strikes. They never heard of it when my mother taught. It's only this latest crop of unionization. You didn't have work-to-rule. I never saw a teacher miss a day. Many of them retired with hundreds of sick days and vacation days because the unions weren't as strong.

We put our foot down and said the teachers' unions aren't going to run the province. You should put your foot down too and stop pandering to them, because at the end of the day, believe me, they're just going to run right over you like they do everyone else, and that's been the history.

The fact of the matter is, all the rhetoric we've just heard from Liberal members is just that—it's just rhetoric. They're poised to strike. You're likely going to have strikes. You're interfering in collective bargaining, which they hate. You'll get your just deserts, I can guarantee you.

1600

Mr. Rosario Marchese (Trinity-Spadina): I'm a bit surprised. The Liberals had a whole hour to do their leadoff. So many of you are looking for the experience to speak and practise in this place, and because this is such a great bill, as the minister and the member for Sault Ste. Marie said, I'm a bit puzzled as to why many of you haven't jumped at the opportunity to praise your minister and praise his skills in bringing about peace and stability—

Mr. Richard Patten (Ottawa Centre): We're not into that.

Mr. Marchese: You're not into that? OK. Some of us on this side are quite happy to speak. I hope to start my leadoff today, and it might happen at 5:15; I don't know. So those of you watching, please tune in. Grab a beer or a glass of wine and enjoy the fact that Marchese will not be a cheerleader for the Liberal government; you can be assured of that.

I will express at least a modicum of disappointment with this government and their policies around education. I will express that this bill does not confer, as the minister says, respect for teachers, students and/or the

system. It's got nothing to do with any of that, other than the politics of making sure that arranging for two-year or four-year agreements doesn't land on election day 2004. Rather than the minister talking about transparency as it relates to that political act, he blah, blah, blahs that, "This confers respect on teachers and students and the system." It does nothing of the sort. So tune in, please, and check out what Marchese has to say on behalf of the NDP about this bill.

Mr. Ernie Parsons (Prince Edward-Hastings): I was first elected as a school board trustee in 1982. At that time, I ran because I admired the school system—our children were in it; they continue to be in it—and I wanted to be part of what I thought was a very good thing.

One of the most impressive things for me at that time was the relationship between the board of trustees, the administration, the principals and the teachers. There was a common goal; nobody was the enemy. The teachers weren't the enemy; the students weren't the enemy. We worked together. I was impressed by that. I've got three brothers and four sisters, and I'm overwhelmed at what we can accomplish when we work together—not by yelling at each other.

During that time, the negotiations went very well with the board. Perhaps people on the other side are thinking, "If you give them all the money they want, then of course they go well." The reality for the teachers in my board was that their salaries were in the bottom third of salaries in the province, but they respected us, recognizing the fiscal limitations we had, and we respected them for the great job they were doing.

Interestingly, the previous government brought in legislation that would prevent strikes—terribly ironic, because in my time, and in fact up till 1995, there were virtually no strikes. There was virtually no work-to-rule. The atmosphere within the system was good. There was debate, there was open discussion, there was negotiation, but before 1995 strikes were almost unheard of within the education sector. The interesting date is 1995; I believe that was the time you people across the aisle became—

Mr. Wilson: In 1985 there were 4,000 of them on the front lawn.

Mr. Parsons: There were no strikes of any significance or lost student days. This is a bill that brings us back to the fact that we respect our teachers, we respect what they do and we recognize the value of education in this province, and we will work with them.

The Acting Speaker: There's time for one last question or comment.

Mr. Cameron Jackson (Burlington): I want to comment on the short intercession by my colleague from Prince Edward-Hastings and indicate as well that, first of all, I find elements of this bill a little disturbing. Any time we start dealing with collective bargaining issues—and over the 20 years I've been in this Legislature, predated by 10 years on the Halton school board; I got elected in 1975. For the record, while I've been in this Legislature, I've seen a Liberal government, an NDP

government and a PC government legislate teachers back to work. So before everybody goes a little overboard here, the truth of the matter is that the relationship we have with the teachers' unions in this province varies rather significantly from the time we spend in opposition, when we make the little trek cross this carpet here and become the government.

I remember quite vividly when the Liberals, under David Peterson, Bob Nixon and Sean Conway, began the process of attacking the teachers' pension fund. I know; I was the education critic at the time. I worked with all the teachers' federations. What happened? The Liberal government was brought down because it dared to tamper with their pension fund. The member opposite was a trustee at the time of that wonderful social contract, and again the teachers' unions said, "You know what? We're going to bring down Bob Rae and his government for the audacity of interfering with our collective bargaining process." Then, lo and behold, we had Mike Harris. Mike Harris set about to do a significant number of reforms, there's no question about that, but those were done through a whole series of public consultations. The government was not defeated by the teachers' federations, because the public said to them, "We want change in our education system." That's the record in this province.

The Acting Speaker (Mr. Ted Arnott): That concludes the time for questions and comments. One of the government members has two minutes to reply. I recognize the member for Sault Ste. Marie.

Mr. Oraziotti: I've got to laugh at some of these comments, being someone who started teaching in 1993 and having had our collective agreements ripped up by the past NDP government and later going through a number of years of crises in public education with a government that had absolutely no regard for educators in this province. The difference is this: A past Minister of Education for the Conservative government was on record saying, "We are going to create a crisis in education." You are certainly not going to see any Minister of Education from the Liberal Party say that they're going to create a crisis in education or rip up the collective agreements of thousands of education workers in the province of Ontario. That's an incredible difference that is somehow missed over here by the opposition parties, who are completely oblivious to this fact.

The other thing that needs to be reinforced is that we are committing to reinvest billions of dollars in public education. We have eliminated the private school tax credit that was going to drain \$500 million out of public education. We have eliminated the punitive professional learning program for educators, which did not achieve the desired objective, and we're going to reinforce that with other professional learning programs that teachers want, through a process of collaboration and working with them to achieve those results. School renewal funding: massive reinvestments to improve our school infrastructure. The cap on class sizes for our youngest pupils in this province: They're going to benefit from our tremendous reinvestment at the elementary level. And there will be new resources for teachers.

I'm completely amazed at the recollection of the past two governments, one that had teachers out on strike continually and the other that ripped up the collective agreements of education workers in this province, and an education minister who said they were going to create a crisis in education. It's certainly not going to be our approach

The Acting Speaker: Further debate?

Mr. Klees: Speaker, I'm going to be sharing my time with the member from Renfrew–Nipissing–Pembroke.

I look forward to the opportunity to set the record straight for members of the Legislature as well as members of the public, who at this point in time have only heard the representations from the Minister of Education and his parliamentary assistant about what is happening in education in the province of Ontario.

I'd like to start with a reference that both the minister and the parliamentary assistant made to peace and stability in the school system. What I expect soon is legislation that will redefine the meaning of the words "stability" and "peace," because the recollection I have of what it means to have peace and stability is far from what we're experiencing in the province of Ontario today. Some 29 of 31 teacher unions have voted to go on strike, with Essex and Carleton being the exceptions.

1610

Now, I'd like to just take a minute, because I know that perhaps members of the Liberal caucus have been kept in the dark by their Minister of Education on this issue. I have in front of me the elementary school strike votes, and I'd like to share these with you for the record: Superior-Greenstone, 89% in favour of striking; Hamilton-Wentworth, 92%; North East, 89%; Thames Valley, 96%; Bluewater, 97%; Hastings and Prince Edward, 94%; Waterloo, 93%; Simcoe, 96.4%; Renfrew, 92.1%; Rainy River, 100%; Halton, 95%; Upper Grand, 97%; Kawartha Pine Ridge, 99%; Keewatin-Patricia, 95%; James Bay, 95%; Peel, 95%; Lakehead, 95%; Toronto, 94%; and York, 96%.

These are teachers speaking to the issue of peace and stability. They're putting the Minister of Education on notice that they don't like what's going on in the province of Ontario. They don't like his leadership. They don't like the rhetoric that he is putting out into the province of Ontario about how this government is going to treat teachers. Peace and stability: That is the rhetoric we hear from the minister, but the record will show that teachers are anything but pleased and there is anything but peace and stability on the horizon for education in this province.

What kind of message does that send to the students in our province? What is the message to parents who have been seeing the daily announcements about these strike votes? What is the message to the teachers who themselves are arming for either work-to-rule or for strike action? What is the message to support workers within our school system? What is the message to principals, who have a responsibility to manage the affairs of our schools? How secure do we think students are in their classrooms when they see these reports?

I'd like to point out, in case there are those who say, as quite frankly the Minister of Education did when he was asked about the strike votes—you know, neither teachers nor unions were very impressed with the minister's response when he said, "Well, that's just a negotiating ploy." Really? Is it really? Is that all that is? These teachers have just gone through the hoops, and it means nothing?

I'd suggest that these are very strong messages being sent to the Minister of Education, to this Premier, who's taken upon himself the mantle of being an education Premier. The message that teachers and stakeholders throughout the entire education field are sending to this Premier, the so-called education Premier, is that his promise was one thing and his delivery is far from what he promised. But that shouldn't surprise stakeholders in education because, you see, stakeholders in every other public policy area have found that this Premier's words cannot be counted on. He has broken promises to every other stakeholder group in this province as well.

People will recognize this Premier as the man who looked at them through the television screen throughout an entire election campaign, saying, "I will not raise your taxes one cent." And what happened when they got elected? The first budget, we had new taxes. We had a tax that every working person in this province knows about today. It's a health care tax. The promise was that this new health care tax was going to create a new day in health care and waiting lists would be reduced. Well, that too was a false representation of what was going to happen. We now have the tax, we have a projected multi-million dollars of additional taxes coming out of people's pockets, waiting lists are longer than ever, and there are entire communities that have been abandoned by their medical doctors. The credibility gap just continues to grow for this Premier between what he says he is going to do and what he actually delivers.

But back to Bill 167: This bill does the exact opposite of what this Minister of Education said it would do, just a few minutes ago as he stood in this House. He spoke about how this bill restores respect for teachers. Find one teacher who will say that taking away their union's right to negotiate freely at the local level shows them respect. Find one representative of a teacher's union in this province who will say that this bill, which prescribes a two-year or four-year contract, shows respect for the negotiating process and for the bargaining process in this province, that that shows respect for teachers and unions, or school boards. It doesn't. What it does is it erodes the very premise of negotiations, of free bargaining. It negotiates from the top down. That's effectively what this bill does. I ask teachers, unions and stakeholders to think about this very clearly.

It's a very short bill; a mere two pages, Speaker. You have it in front of you there. It's probably one of the shortest bills this House has ever seen, but I would suggest to you that it's one with overarching implications to not only the teaching profession but to the entire process of contract negotiations. Effectively, what this

bill does is that it sets up central bargaining, bargaining out of the minister's office, for every school board in the province of Ontario. It states very clearly that whether or not the local school board decides it is in their best interests to negotiate a three-year contract, this bill does not allow them to do that.

Those of you who have copies of the bill, I ask you to look at the deeming section of this bill, which effectively says, "Well, if the school board doesn't do what we ask them to do, and that is to negotiate a two-year or four-year contract, by legislation it is deemed that you have done so."

Speaker, I ask you—rhetorically, because I know you can't respond to me—if you were a teacher, if you were a teacher representative, if you were a stakeholder in education and you saw this legislation coming down, would you be concerned? Would have you any concern about the flexibility and the freedom that you might have to negotiate a contract?

1620

I'm going to, for the record, share with you what someone who is in that business of negotiating contracts had to say about this. I have a letter here from the Ontario English Catholic Teachers' Association. Donna Marie Kennedy wrote this to the Minister of Education. It's dated December 2. I want you to listen to this.

She speaks about a meeting that they had and thanks the minister for the meeting of Tuesday, November 30. She says, "I came away from our meeting of Tuesday, November 30, believing that we had a full and frank discussion of OECTA's position on the fundamental need for unfettered local bargaining for teachers."

This minister is very good at having people believe that he understands them. This minister is very good at letting people and entire stakeholder groups believe that he is on their side and that this government is supportive of them, as Ms. Kennedy, when she left, had that understanding. But it's interesting. This letter goes on, "That's why your letter to local federation presidents dated December 1 puzzles and disappoints me. I do not understand what you hope to achieve by communicating directly with our local representatives when, as the bargaining agent, provincial OECTA had spoken to you only the day before about our unequivocal support for local bargaining. Your statement that 'The goal would be only to determine a clear ministry position that could further support successful local bargaining' strikes me as disingenuous. Your concern that"—she's quoting the minister—"Local bargaining efforts may be adversely impacted by issues that can't be adequately resolved at the local level" sounds suspiciously like a veiled threat."

This is coming from the Ontario English Catholic Teachers' Association in correspondence to the Minister of Education, who tells us today about peace and stability and about respect and about how he and his government are bridging the gap and building bridges to teachers in this province. We have this kind of chastisement coming from the Catholic teachers' association to this Minister of Education.

The letter goes on to say, "OECTA has already concluded one successful local agreement for its members. We expect to negotiate others." In other words, "Leave us alone. Give us the opportunity to do our work." From the perspective of this association, Ms. Donna Marie Kennedy says, "The greatest threat to public education moving in a harmonious fashion would be the failure to respect"—here's that word, Speaker, "respect"—"the role of school boards, local units and provincial OECTA."

The legislation that we have before us does everything but show respect for OECTA, for any other bargaining unit, for teachers in this province and for school boards who heretofore have had the responsibility of negotiating contracts. This legislation before us today, I say to members in this House, is an insult to every teacher in this province and it's an affront to anyone who is familiar with the negotiating process that has historically been operative in this province, so much so that the OSSTF filed a labour board complaint against the education minister.

You know, I suppose the education minister might, in response to this as well, say that that's just a negotiating ploy, that they really didn't mean it, that they understand what the minister really means. I don't believe that's the case at all. I believe that the Minister of Education has crossed the line. Education stakeholders are seeing his actions, and his actions speak much louder than his words. They are an affront to people who understand what is really going on here.

The news release that was put out by the OSSTF on December 15 reads as follows:

"In an unprecedented move, Minister of Education Gerard Kennedy wrote directly to local Ontario Secondary School Teachers' Federation (OSSTF) district presidents on December 1st with a clear intent to pressure OSSTF members and local leaders to engage in 'provincial dialogue' on matters impacting negotiations. In an earlier letter dated November 29, Kennedy had written to OSSTF provincial president Rhonda Kimberley-Young inviting the federation to enter into a provincial dialogue on finding long-term solutions surrounding workload issues. Before the federation could respond officially to Kennedy's invitation, however, he sent a second letter to OSSTF local leaders outlining his plan and inviting them to communicate directly with him. Bargaining rights are held by the provincial organization and not local OSSTF districts."

The minister knows that. And he knew full well when he wrote those letters that he was interfering with a process that has been time-honoured. It's heavy-handed on the part of the minister. It was inappropriate, and the minister had no right to interfere as he did in that process. This release goes on to say:

"Minister Kennedy's letter to our local presidents is a serious breach of protocol and is seen as direct interference in local bargaining and federation affairs," said Kimberley-Young. "Clearly, the minister was trying to circumvent the provincial executive of OSSTF. Ken-

nedy's actions came as a complete surprise to both provincial and local leaders in OSSTF,' added Kimberley-Young.

"Given the seriousness of Minister Kennedy's interference in federation activities, OSSTF has filed an unfair labour practice complaint with the Ontario Labour Relations Board. 'We cannot allow the minister to disregard and bypass the current legal structure for collective bargaining. We want him to cease and desist immediately from interfering in the internal affairs of the federation. It is unfortunate that OSSTF was forced to take this route but Kennedy left no choice but to file this complaint at the Ontario labour board.'"

The bill before us today simply adds to the actions of this minister. Essentially, what this legislation does is that it actually gives legislative authority to the minister to do what he didn't have authority for when he wrote that initial letter to the school boards as well as to the unions. We on this side of the House object to that.

1630

I raised the issue as a point of privilege in the Legislature, as you know, because I was fundamentally convinced that the actions of the minister in writing those letters, in which he presumed this House would pass the legislation we're actually debating today, which would provide for the two- and four-year contracts—I was offended, as a member of this Legislature, that a minister of the crown would presume to write those letters and to send direction to unions as well as to school boards to negotiate contracts for which there was no legislative authority at the time, that he would simply presume that members of this House would pass this legislation. He went beyond that. He actually said in his letters that this government would guarantee, and he used the term "guarantee," funding for those four-year contracts.

We've done the calculations, and based on the increases he suggested be incorporated into those four-year contracts, the additional funding would be some \$1.2 billion over and above the base we have now for the education budget. What right does a minister of the crown have to make a guarantee of that funding to school boards across this province when there is, first, no legislative authority to do it, and second, no budgetary authority to make that commitment? However, he did, and unfortunately the Speaker ruled that was not contempt. Well, if it wasn't contempt, what I say is that it is an insult and highly presumptuous on the part of the minister. It does not auger well for this place, where I believe we should retain the right and the responsibility to have that open debate, first of all, for enabling legislation, and second, for budgetary approval.

That's why today I tabled in the House, for first reading, a private member's bill. I tabled this private member's bill, which received first reading today, because I believe the legislation we're debating today and will be debating tomorrow is fundamentally wrong. I wanted to at least get on record in this Legislature a piece of legislation that I believe sets right what this legislation is doing wrong.

The title of my bill is An Act to amend the Education Act to remove political interference in collective bargaining and ensure flexibility at the local level. What this bill does is provide for two-, three- and four-year contracts, should the local bargaining units and the school boards decide that is in the best interests of that local school board. It's simply allowing that local autonomy that I believe is fundamental to ensuring we have that free bargaining and that we have the flexibility I believe every bargaining unit should have.

There is a reason for this title, which speaks to the removal of political interference in collective bargaining, and I'll tell you why; I'll explain that. Is it just a coincidence that the legislation we have before us today does not allow a three-year contract? I'm going to ask every teacher in this province, every school board trustee, every person involved in bargaining to ask themselves why this government, why this Minister of Education, would not want a three-year option available for a contract.

I would suggest that there is another piece of legislation that was passed in this House by this government not too long ago which calls for set election dates, and that set election date—ironically, incidentally—just happens to be in the year 2007. Isn't it interesting that if the government allowed a three-year contract to be negotiated by teachers' unions and school boards across the province, that contract would incidentally come up for renegotiation in the year 2007?

Isn't it interesting that the election date is set for the first week in October 2007? I would ask the Minister of Consumer and Business Services, who knows about these things, when these contracts come up? It happens to be just around the first week in October. Is there a possibility that this government is actually using their legislative authority coming out of this amendment to serve their own political ends? Isn't that an interesting question?

I've spoken with many stakeholders, I have spoken with union representatives, I have spoken with teachers and I have spoken with trustees. To a person, there isn't one who is giving the benefit of the doubt to this government. Everyone resents the fact that this government is using them for its political ends. It's fundamentally wrong. It's an insult to this profession, and it shouldn't happen.

I would appeal to the backbenchers; I know the cabinet is whipped, but at least the backbenchers can use their own discretion here. They can rely on some of those principles that they have—and I know they have some—and make a decision and say, "I'm going to vote this legislation down, because it's simply not right." It is not right.

I believe the Minister of Education has made a huge mistake by bringing forward this legislation, because he is demonstrating to the very people who got him elected that he too, along with his Premier, was prepared to say one thing while on the election trail and is still repeating these empty and hollow words of peace and stability in

education. He's saying it on one hand, and on the other he's undermining the very basis on which this profession relies to negotiate its contracts. It's fundamentally wrong.

I urge members of this Legislature to vote this legislation down, and I urge them to support my private member's bill when it comes forward for debate, which provides for flexibility at the local level for bargaining units to be able to negotiate their contracts together with local school boards so that we can arrive at solid contracts that are reliable, that are not dictated by the Minister of Education.

1640

I will wind up my remarks very soon because I know my colleague wants to speak to this, but there are some things I also want to speak to before I close. One is the credibility gap that we find coming from this so-called education Premier. I'm going to refer to a news report that appeared during the election campaign, and I want to read this into the record. This is when Dalton McGuinty, then leader of the Liberal Party, running to be Premier and willing to say anything at all to become the Premier, was in Brighton, Ontario. Here's what the Premier said: "We will put our money where our mouth is," McGuinty said, as he pledged \$177 million to protect rural schools, saying the moratorium on closures would last several months until a Liberal government could change what he calls the Tories' one-size-fits-all funding formula."

Interesting. There he was, in a nice rural setting in this great province of ours, speaking to people who were believing him at the time. He committed \$177 million to rural schools to keep them open, he said. They wouldn't close. Then he went on to say, "It's time for a government that will keep rural schools open because it understands that diverse communities—urban, suburban, rural and northern—have different needs."

When asked, "Well, Mr. McGuinty, how are you going to pay for this?" here was his response, quoting again from this newspaper article: "He said the Liberals would pay for the rural school strategy by cancelling the private school tax credit and stopping an exemption for seniors on the education portion of their property taxes." Well, isn't this interesting? He promised \$177 million to keep rural schools open, and when asked where the money was coming from, he said we're going to get it by cancelling the independent school tax credit and the tax credit for property tax for seniors. He did both of those. In fact, he did the tax credit cancellation retroactively.

My question to the education Premier is simply this: You did all of that, took the money away from seniors, took the money away from ordinary, hard-working families who send their children to an independent school and are paying twice, and you did so retroactively to really rub it in. Where is the money for rural schools? It's not here, and people right across rural Ontario are asking the question, where's the money?

That's one more example of a Premier who cannot be believed. There are two issues—one is trust and one is competence—that people expect from their government. This Premier has failed on both counts. He has

demonstrated his incompetence to lead and he has broken trust with the people of this province. Every announcement that this Premier or any of his ministers makes is met with the same cynicism on the part of the taxpayers and of the citizens of this province. They are saying to this Premier, "We hear you, but we don't believe you. We hear you when you say you're going to improve health care, but the facts belie that promise. We hear you when you say you're going to fund capital projects for schools, but when we read through and look at the small print, we see that what you're really doing is encouraging school boards across the province to go into debt to the tune of \$4 billion. We hear you, Premier, when you say you want to help us, but what is really happening is that you're reaching deeper into our pockets. We cannot afford it, and we don't like what you're doing to us."

That's the kind of incompetence, the kind of mismanagement, the kind of untrustworthiness that people in this province are experiencing, this coming from a Premier who promised on the campaign trail that he would do government differently. Well, he has—very differently. He's done it so differently that never before in the history of this province has any Premier had the distrust this Premier has earned, and he has earned it, because he's worked overtime to convince people that politicians can't be trusted.

I see the pages here today. What a great opportunity for them, to be here and to experience how laws are made. What is extremely disappointing is that not only these pages, but students and young people right across this province, every day—as they study civics, as they learn about what government is doing—have as an example, in this very province, a Premier who breaks promises.

Young people, don't take that as an example of what to do, because it's wrong. Just because a Premier does it, doesn't make it right. That's the message. And just because the Minister of Education has introduced a piece of legislation into this chamber that removes the rights and responsibilities of the collective bargaining process, and it happens to come in the form of legislation moved forward by the Minister of Education, doesn't make it right either. It's fundamentally wrong. This Minister of Education is letting down teachers, he is letting down teacher's unions, he is letting down school boards, he is letting down principals, he is letting down parents, and he is letting down students.

In closing, let me refer to one other issue, and that is the issue of special education funding. I'm appalled, as I know teachers, principals and school board trustees are, at the doubletalk that's been going on around the issue of special education funding. Last year, in one month, this Premier announced there would be an additional \$100 million in funding for special education. Two months later, we found that this same Premier, this same Minister of Education, announced he was going to claw back \$100 million that was already in the bank accounts of schools right across this province, earmarked for special education. This Minister of Education, this education

Premier, reached right into those bank accounts and yanked it back up. All the time, we have literally hundreds—thousands—of special-needs students across this province waiting for support services, waiting to be diagnosed, waiting for assessments.

1650

Promises made, promises broken. There is a shell game that this government is very good at. It's very good at making promises. It's very good at having press conferences. They've got some good media advisers. It sounds good, and they are getting the clips on the evening news. Whether it's CFRB or 640, we find ourselves listening, rapt by these announcements, and whether it's the Minister of Education or the Minister of Health, they are great announcements, but no substance. But no substance. People across this province are being let down every day. Promises made, promises broken.

I'm going to close my remarks simply by saying this: This Minister of Education has brought into the Legislature today a piece of legislation that takes away the right of local school boards and the right of local bargaining units to negotiate freely. It takes away their flexibility. And what it is doing essentially is putting the Minister of Education into a position of negotiating contracts centrally. That has never happened before in this province. Under the guise of respect, this minister had the audacity to stand in his place, just a few minutes ago in the Legislature here, and talk about how, by bringing this legislation in, he and his government are demonstrating respect for teachers and for the teaching profession. Nothing could be farther from the truth.

I encourage members of this Legislature to vote this legislation down, because it is wrong. It will not serve us well. I would ask that members of the backbench of the Liberal Party—because I know that the third party is going to vote with us on this—let's ensure that we do retain that respect for teachers across this province.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I'm pleased to join my colleague from Oak Ridges in this debate on this piece of legislation brought before the House, Bill 167. I don't believe that I can be anywhere near as eloquent in my address today, but I'm going to attempt to bring into focus, and refocus, some of the terrible, terrible injustices and elements of this bill that my colleague was able to bring forth earlier.

One thing that I want to talk about first, because of the time we have allocated, is what my good friend Mr. Klees talked about with regards to the Premier and his promises. My goodness, he is probably the king of promises. In the history of mankind, has there been anybody to make more promises and break them faster?

I was looking at my counterparts on the opposite side, on the government side, and, quite frankly, they looked embarrassed. They looked ashamed when what their Premier said about rural schools in the province of Ontario, what he was going to do and how he was going to accomplish it, was being focused on. He was going to keep those rural schools open, and he was going to get that money by cancelling the private school tax credit,

which he did. Further, he was going to use the money that he would garner from cancelling the education tax credit for seniors that the previous government had brought in. Now he's got that money.

Mr. Speaker, I have to tell you that in my board, the Renfrew county board of education, they have not closed a school since 1993. They have not been put in the position of closing a school since 1993. Right now, they are in a consolidation process, in consultation with the public, which will culminate in Pembroke on March 7. They're dealing with a situation now where they are proposing the closure of seven schools.

How effective have this Premier and his education minister been at keeping those rural schools open? He did manage to confuse the picture quite well last week with this gigantic announcement of all this money for schools and infrastructure and keeping schools open with that money. All he has done is further confuse parents and children and grandparents and extended families and business people in communities about where this government is going, if anywhere, because that announcement last week of the \$280 million, which basically just says, "We want your school boards to go into debt to try to fix this or that," is not going to assist a single school in my riding, in our county of Renfrew, to keep one single rural school open that is slated as part of a closure plan. But the minister is very good at making those announcements and trying to give the impression he is a friend of rural schools and rural education.

I'm going to tell you a little about the schools in my riding slated for closure.

The hamlet of Calabogie, which is one of the most beautiful areas on this beautiful earth, in my beautiful county of Renfrew—

Interjection.

Mr. Yakabuski: Great area. Beautiful water, the mighty Madawaska—you're all familiar with that. Calabogie is slated to close. If Calabogie closes, those students, those children, will have to be taken in to Renfrew to go to school.

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): Your party closed the schools.

Mr. Yakabuski: I'm sorry, Madam Minister, but not a single school in the Renfrew county public board in my riding has closed since 1993. Calabogie is slated for closure. I have talked to parents of students from Calabogie. They are very upset. "Where is the help from the provincial government?" is what they are asking.

Alexander Reid Public School in the town of Arnprior is also slated for closure, and the students from Alexander Reid would be accommodated equally at A.J. Charbonneau Public School and Walter Zadow Public School in September 2005. The Alexander Reid parents are very concerned. The municipal government in the township of Greater Madawaska, which supports the Calabogie school, and also the mayor and the council of the town of Arnprior are very upset and very concerned because they see Arnprior as a growth community and

are concerned that the closure of this school is premature. Is the minister helping out? No, not at all—not at all.

1700

In Deep River, T.W. Morison Public School and Keys Public School are slated for closure September 2006. What would happen there is that the students in Keys and Morison would have to be accommodated at what is currently MacKenzie High School, which would obviously become more than a high school. It would be a combination high school and elementary school. There were passionate submissions to the committee on that proposed closure.

Ross Mineview Public School near Haley Station is slated for closure in September 2005, and the students would have to be bused into Cobden District Public School, caught in a district public school. I can tell you, I've met with parents' groups from this school and they're very disappointed at what this government said about keeping rural schools open and what this government has actually done to keep those rural schools open.

Also, Horton Public School, the only school in the municipality of Horton, is slated to close, in which case those children would also have to be bused into Renfrew to Queen Elizabeth Public School in September 2005.

Laurentian Public School in Pembroke is slated for closure in September 2005, and those students would have to be accommodated at Highview Public School and Champlain Discovery Public School this September.

Each one of these is slated for closure under this minister's watch, under this Premier's watch, ironically, the education Premier and his able, sort of, assistant. That's what their plan for rural schools is, regardless of what they profess and talk about throughout this province when they go around saying, "We support rural schools." From 1993 to the present, not one rural school closed in my county of Renfrew. However, under this government, which was going to save rural schools, seven of them are slated for closure.

I want to talk about the general principles of this bill as well. The education minister said today, "We're bringing back peace and stability into the education system and the relationship between teachers and school boards and the Ministry of Education in this province." Well, I've met with local representatives of two different union locals, and I don't sense that same air of stability that the minister is bragging about. In fact, I sense an air, an aura, of abject disappointment and deep mistrust of this minister and this Premier on the part of those educators in my riding.

Of course we know that they seem to believe that there was never a teachers' strike in this province before Mike Harris was Premier, but we know that both the Peterson government and the Rae government were forced to legislate teachers back to work, and they pillory the Harris government for everything it did with education.

I have visited a number of schools since being elected to this Legislature back in October 2003. I generally visit grade 5 classrooms in the elementary schools, because they take civics. That is all part of the new curriculum

that was brought in by the Progressive Conservative government.

We used to talk to our older children about civics and affairs of politics and parliaments and stuff like that, and they didn't know anything about it, because they didn't take Canadian history in school and they didn't take civics. The grade 5s of today, I tell you, understand what's going on here. They understand because of the changes made by the previous government. Our children understand what happens in the different levels of government, the separation between the levels of government, the responsibilities of different levels of government. I've been very impressed with the questions I receive from them when I visit them on my tours of schools. The changes in the curriculum are a great benefit to those children.

I wonder, now that those children are examining things closer as part of their courses and part of their curriculum, how they feel about government when a government can simply say anything it wants or, more to the point, when a political party can say anything it wants in order to garner the favour of the electorate—

Mr. Marchese: That's OK. It will be part of the course.

Mr. Yakabuski: It may have to become part of the curriculum. It may be called the McGuinty clause or something, an addition to the curriculum. You may have to bring something in that educates children about how not to govern, how not to get into power.

Mr. Marchese: Guidelines.

Mr. Yakabuski: Maybe something on guidelines about keeping promises, so that we could serve as an example to the children in school today.

The premise that this minister has respect for the collective bargaining process is a load of bunk—absolutely. He has gone around the province and talked to the locals and individual boards and said, "This is what you're going to do," not allowing them to sit down and negotiate with their teachers, to sit down and negotiate with the educators in their jurisdictions. The local people, who understand the local needs better than any education minister, are just being removed from the process: "We'll make the decisions at Kennedy central. That's where we'll make the decisions. We'll ensure that the children get the education we think they should get."

That's the Liberal mantra; that's the Kennedy mantra. That's how we're going to treat our children. We're going to just remove the premise of fair, collective bargaining in the process. Why bargain when we can impose the new Liberal way? Why bargain when you can impose?

The Acting Speaker: Questions and comments.

Mr. Marchese: I just want to say that in about 10 minutes, I will begin my leadoff. That will be approximately at 5:20, and I will have a lot to say. In the meantime, I just want to concur in a few things the member from Oak Ridges said and to agree with a few things the member from Renfrew-Nipissing-Pembroke said around issues of micromanaging and issues of school closures.

But I will have time to speak to that when I get to my debate.

1710

I want to comment on something that the member from Oak Ridges made reference to. I'm not sure it was that direct, but I want to speak to it as a way of lending support to what I think he was getting at: In 2001 the Conservative Party dictated—or to use a more pleasant word, said—that all collective agreements in Ontario would expire on August 31, 2004, and all subsequent contracts would be three years in length. You folks who are watching this program understand that according to the way the Conservatives had done it, the collective agreements would expire on August 31. Our provincial election will be in October. So you understand, if collective agreements are negotiated around August and the election is going to be in October, that would cause some political problems for the Liberal Party. If I can suggest, the reason for changing three-year contracts to two or four has nothing to do with education but has a lot to do with the fact that an election will be coming in October.

But I will have an opportunity to speak to that in about 10 minutes. Please stay tuned. Come back.

Mr. Jeff Leal (Peterborough): I'm pleased to have the opportunity to share a few thoughts on this bill dealing with collective negotiations in the teaching sector in Ontario. I've listened very carefully to my good friends the member from Oak Ridges and the member from Renfrew–Nipissing–Pembroke.

But I know a little bit about education. I happen to be married to a teacher. My wife, Karan, has taught grade 8 at St. Teresa's school in Peterborough for 14 years. My father-in-law, Bob McGarrity, is a retired principal in the Catholic system in Peterborough. My sister-in-law, Jane Leal, teaches with the Catholic board in Halton region. When I talk to these people about what we are doing in education today, they tell me that after eight lost years in the education system in Ontario, finally there is some light. We have light from the Minister of Education, Mr. Kennedy, who's brought a new, positive atmosphere to education in Ontario. We've matched that positive framework by providing the dollars that are needed to education in Ontario.

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): Hope is on the way.

Mr. Leal: As my friend Mr. McMeekin has just said, when Mr. Kennedy became minister, hope was indeed on the way for a new era of education in Ontario.

Don't listen to the members from Oak Ridges and Renfrew; get out into the classroom. In the last two weeks I was at two schools in Peterborough, and one of the questions they asked me was, why did the previous government hate the teaching profession in Ontario? I provided an explanation that they had no confidence in the teaching profession; they just wanted to hit them over the head constantly. Now, when you go into the classroom, there's a new sense that we're true partners in education in Ontario: students, parents, the teachers and the board of trustees. A new era is on its way.

Mr. Wilson: In the two minutes I have, I want to read a letter that appeared in the Barrie Examiner on January 19, 2005, from Jim Duffield of Barrie. I don't know him but this letter seems to make a lot of sense:

"I am sure a cold chill went down the spines of students (especially those in grade 12), parents and responsible teachers when they read your editorial about Ontario teachers unions and their ongoing labour contracts with Premier Dalton McGuinty.

"The Premier is going to try to succeed in satisfying the unions. Premiers Peterson, Rae, Harris and Eves all tried but were not successful.

"Let's hope McGuinty can do the job, although the odds are certainly against him. In the past, the unions have been quite clear: 'Give us what we want or else.'"

"Will this time be any different?

"In the past, the unions have successfully placed blame for the failures on the 'underfunding' of public education in Ontario. Let's take a closer look at this portion with audited figures from the Ontario Ministry of Finance.

"For the past seven school years (1997-98 to 2004-05) under the new Ontario funding formula, Ontario school boards' operating budgets have increased by an average of 37%.

"Let us take the Simcoe County District School Board as one example: The 2004-05 operating budget is up 31.7% over 1998-99. This amounts to an \$89.3-million increase.

"Is this due mainly to student enrolment increase? No. Student enrolment was only up 5.9% over this total seven-year period, showing a cost-per-pupil increase of 25% over this same period.

"Some other interesting facts include: teachers' salaries and benefits (not including pension plan contributions that are funded by the Ontario government) account for 59.6%"—that's the provincial average, he says—"of the school board's annual operating budget."

He concludes: "These facts tell us at least a couple of things: (a) Dalton McGuinty has a very interesting year ahead of him; and (b) Is it not time we, the citizens of Ontario, get our heads out of the sand on this issue before it is too late?"

An excellent letter from a fellow named Jim Duffield.

The largest increases ever in Simcoe county occurred under the Mike Harris government.

The Acting Speaker: There is time for one last question or comment.

Ms. Kathleen O. Wynne (Don Valley West): When I listen to the members opposite, I have to ask myself which reality we're living in. I think about how I got to this place, as an education activist, as someone who was a parent on the front line with my children watching what was going on in the education system. I was not an elected politician; I was not a teacher in the classroom. But I watched the relationships disintegrate during the years when the previous government was in office.

My colleague from Sault Ste. Marie talked about the statement by Mr. Snobelen that he wanted to create a crisis. The previous government intentionally set about to

destroy those relationships. I've said in this House before that I don't understand that. I don't understand why on earth a society would want to fray the relationships between students and teachers, between teachers and school boards and between school boards and government, but that's in fact what happened. Anything we can do in this House to build a genuine partnership, to rebuild the relationships that have been destroyed in this province, is going to be in the best interests of the children. Certainly we all believe that it is the children who are at the centre of this. It's the children who are going to benefit.

This legislation that Minister Kennedy has brought to this House is designed to forge that peace and stability that we must have—the peace and stability that was in place the whole time I was a student and the whole time my children were young, and that started to fall apart when the previous government, who are now the friends of labour, who are now the friends of education, who are now the friends of the system and the children in the system, spent eight long years destroying the system in this province. We have to rebuild it.

The Acting Speaker: That concludes the time for questions and comments. One of the Conservative members has two minutes to reply. I recognize the member for Oak Ridges.

Mr. Klees: I want to thank members who responded and added their comments.

The member from Don Valley West asked which reality we're in. I say to her, here's the reality: a letter from the Catholic teachers, who say that this minister is undermining the collective bargaining process. I say to her that the reality we're in is an OSSTF complaint against the education minister, Gerard Kennedy. I say to her that the reality we're in is Annie Kidder's reality, where she claims, representing People for Education, that small schools are in a crisis in this province. That's the reality we're speaking about here.

The self-righteousness on the part of Liberal members and their comments—I think of the comments by the member from Peterborough, so unlike him in terms of suggesting there was hatred toward teachers. Nothing could be further from the truth. What we were trying to do was to be fiscally responsible, to ensure we had standards in education, to ensure we had standards for curriculum, to ensure we had report cards that teachers and parents and students could rely on, to ensure there was responsible management of our education system. Never, in the eight years we were in office, did we do what this legislation proposes to do; that is, undermine the collective bargaining process in this province. Never has there been a Minister of Education who has been reported to and had a complaint lodged against them with the labour board by a collective bargaining unit. That's the reality we're in. Crisis is defined by this Minister of Education.

1720

The Acting Speaker: Further debate?

Mr. Marchese: It is good to have an opportunity to speak to this bill, Bill 167, the Education Amendment

Act. I want to welcome the good citizens of Ontario who watch this program regularly. It's 5:20 and it's Tuesday afternoon. What a wonderful opportunity to be able to speak to the comments made by the Minister of Education and the member for Sault Ste. Marie.

I will divide this—all by myself, a whole hour, but I only have 40 minutes today. I will come back to it whenever there is an opportunity to speak to it again. I don't like sharing my time, I must admit, because I have so much to say. Members understand this, and they give me all the time. I'm really pleased. So I will divide my comments into two parts: one to address the minister and the other to address the member from Sault Ste. Marie, who spoke for 10 or 15 minutes.

I will use the arguments made by the Minister of Education in 2001 as a way of reinforcing my opposition to his bill, because he might have forgotten that in 2001 he opposed the Tory bill that speaks to this very issue, on three-year agreements, and I will use his arguments to oppose his bill, which I think some of you will find enlightening, if not amusing, or vice versa, whichever of the two you like.

I will begin by addressing some of the comments made by the member from Sault Ste. Marie, who started his comments by saying, "We have a new approach to education." I want to speak to this new approach, because he made reference to one or two of the items I want to speak to, and I will add a couple more, because he must have forgotten or didn't have the time to get into them. I'm sure he would have tackled all these issues had he had the time, but he didn't, and I want to introduce them in the debate on his behalf.

Mr. Yakabuski: Yes, there was only 40 minutes left when he quit speaking, so he didn't have the time.

Mr. Marchese: He may not have had the time because he thought someone else was speaking.

Mr. David Zimmer (Willowdale): Will you go on for an hour?

Mr. Marchese: A whole 40 minutes, David; you can go and do whatever you need to do.

Mr. Zimmer: Are you going to say anything interesting? Because I'll stay.

Mr. Marchese: I've got 40 minutes of interesting things, David. Please, sit back, recline in the chair and just enjoy it as best you can.

To begin with, the member from Sault Ste. Marie said, "We've got a new approach to education." I want to begin by tackling the whole issue of special education, and how the government has tackled the issue of special education on the basis of a new approach to education.

Here's what they did: The Minister of Education, in July of this year, announced \$100 million for special education. Now remember, this 100 million bucks was to be given as the final phase of cycle 5 of boards and teachers doing their review of special education—the final cycle—and it cost the provincial Liberal government \$100 million. Remember this. They delayed making the announcement for six long months. No, actually, it

wasn't six; somebody reminded me that it was anywhere from eight to 10 months.

They delayed making the announcement of the \$100 million because they were shocked to hear that the special education bill was \$100 million. You understand, they allotted \$30 million or \$35 million. When the final bill came in, they were upset and, I suspect, angry. Then they began to contrive a message as to how to deal with it. It took 10 long months to manipulate, contrive, put together a message that would allow the Minister of Education an opportunity to explain why he delayed for 10 long months to give the money for special education to which they were entitled, because teachers did their review. Psychologists signed off as a result of that study and that review, and the signing-off of psychologists—all boards had to do was simply wait for the money.

It took the minister 10 months, and he made an announcement in July—not April, not May, not June, not March, before April, and so on. He waited until July, when the end of the school year was over, to announce that he was, lo and behold, giving 100 new million dollars.

Then, this is what he did, cleverly. This is why I say “cleverly contrived,” because in August, he said that he would take \$100 million away from the boards, the very \$100 million he said to the boards they could spend. By the way, they had the whole of August to spend the money. God bless Gerard Kennedy. He gave them one whole month to spend that 100 million bucks.

You understand, Mr. Speaker. Your wife is a teacher. She would know and might have told you, because you probably talk about these things on a regular basis. She probably would have told you, “Ted”—Speaker, in this case—“what and how would we do in the month of August? How could we spend the money in August when the school year ended in June and the school year begins in September?” allowing in August not to be able to spend any money, one cent, on anything, because it's impossible to spend it on programs in August.

At the end of August, he announces he's taking back the money. There are harsher words that I use, and from time to time, depending on the Speaker, they say, “You can't say that. It's unpleasant. It's not nice.” Blah, blah, blah. He took \$100 million away from the boards, and this is what, again, the minister cleverly does. He says boards were hoarding the money, because, you understand, if you're going to take it away from them, you can't say they were going to spend it in September for special ed. You've got to say to the people, so they believe you in some credible way, “The boards were hoarding the money. So we're going to take it away from them so they can never hoard money again, so they just keep it there and not spend it for special education purposes.”

You understand, some of us are too clever to fall for that, and some of us have been around as educators, as trustees—as critics, in this case—as parents who are active. They know the game, and they understood and understand that many of those boards had made plans to spend the money in September. It wasn't being hoarded,

not to spend; it was being put aside to be spent in September.

Now, why were they putting this money in this fund? They put it away because, with the previous Conservative government, you could never rely on them to release the money in a timely fashion or to release it at all, to be frank, John, member from Renfrew–Nipissing and so on. So boards were afraid that if they don't hold back the money and the government then decides not to give it, they're spending on programs for which they have little money or no money at all. Then they've got to steal from some other sector to be able to provide that program.

So boards cleverly said, “We don't trust this government either, based on past experience. So let's put some money aside in this little bank.” Poor boards that did that, because in this case, Gerard Kennedy, the Minister of Education, said, “We're going to take that money away from you.” So he gives \$100 million in July and takes \$100 million in August.

This is what he also said. He said, “We're going to create an equity fund, and boards will have to reapply for that money.” Ted, are you with me? Boards are going to have to reapply for that money, but the minister doesn't make \$100 million available that was rightfully theirs. He only makes \$50 million available. So, boards, you have to reapply to get the 50 million bucks.

1730

What else does he do? He says, “Wait until October”—I'm talking about last August—“We're going to have a new application process.” So people will be able to apply for a \$50-million efficiency and equity fund to get that money. September, October, November, December, January, February—six months. That application process is not yet in place. Soon March will come, April, May and June, and the school year is over. So the \$100 million that Minister Kennedy took away from the boards, which should have gone to the boards for the previous assessments they did on special ed, is not going to be made available. I'm sure your wife is talking to you about this on a regular basis, Speaker, because they are keenly aware of the problem.

At the end of this school year, the Minister of Education is going to come back and announce \$100 million for special education again. He's going to say, “I gave them \$100 million,” and he's going to announce another \$100 million in July—hopefully he'll do it sooner—and it will be the same money he took away.

You understand the game, Speaker. I'm talking to you, you understand, because we have this connection in education and because we understand each other. It's so nice to talk to people who immediately relate and absorb and are able to connect on the issues.

I'm puzzled as to why the government would do this and why Mr. Kennedy, the Minister of Education, who has such a heart for education—his heart is big for education, bigger than you can imagine. McGuinty, the Premier, has a heart bigger than Gerard's on education. Their hearts combined could explode in this room. So heartfelt is their connection and attachment to education that they would just take \$100 million from the boards

and chuck it away for a rainy day. I remember Mr. Kennedy, the Minister of Education, talking about the waiting lists for special education. I don't know whether some of the education activists behind me would be familiar with this, or some of the other education activists in front of me or others who are not here—

Interjections.

Mr. Marchese: Here they are, the education activists, right here, right behind me. Like me, they used to attack the Conservative government. We talked about the 43,000 students who were waiting to be assessed in the identification placement review committee. Have you heard any of our education activists or Gerard Kennedy, the Minister of Education, or McGuinty, the one who has a bigger heart than all of them combined, talk about what happened to the list of 43,000 students desperately waiting to get the special education attention they need? Not one of them has spoken about that waiting list. Do you think for a moment that that waiting list has gone down any? I say to you no. That waiting list is long and getting longer. I don't hear Kennedy or McGuinty, minister or Premier, talking about how we're going to tackle that special education waiting list.

How could you be dealing with that 43,000 waiting list if you've taken away from the boards \$100 million designed clearly to deal with special education? How do the Minister of Education, who loves education and feels it right here, and the Premier, whose number one priority is education and feels it right here, sleep at night knowing that 43,000 or more students are on a waiting list, some of them waiting for years to be identified, let alone have a program that deals with their shortcomings? How could they sleep at night?

I remember that the Minister of Education and I would often debate in many circles. Now, the various sectors don't invite us as much. They don't want to rankle or rile the Minister of Education. They're all trying to please and work with Gerard because we've got this peace and stability thing going. So many federations and others are so afraid to invite me, in case they slight the minister or in case he feels slighted that they invite the NDP critic to debate some issue. They are so afraid, I'm telling you. I say this, Speaker, in case you're discussing it with your wife. Let her know that at times I have not been invited and not even announced at some meetings. Why, I was at a federation meeting one day when they were announcing who was there, and this federation—I feel really badly for it; I don't even want to name it because I feel so badly—knew I was there. We hugged with the president of the federation. She announced everybody in the room, and then instead of announcing me as the MPP from Trinity-Spadina, the education critic, she said elliptically and in a general way, “political friends.” It was just unbelievable. I said, “Is that me?” I didn't know whether I was a political friend or whether there were other political friends or whether she was referring to the MPP as a political friend. So I was waiting to be announced. Minister of Culture, you understand. You think they're going to announce you, because that's what they've done in the

past. Then some Liberal MPP comes later—an hour later or so—and the president announces this Liberal MPP who came in, introduces this fellow as representing the Minister of Education. It just cracked me up; I couldn't believe it.

You understand, federations are afraid. I used to think federations were afraid of the Tories, for good reasons, but then when the Liberals came to power, I never dreamed that federations would be afraid of the Liberal government; not of Gerard Kennedy, surely, the guy who's got a heart for education. They wouldn't be afraid of McGuinty, the Premier, the guy who's got a bigger heart than Gerard Kennedy. Why would they be afraid? These people with the heart—why would they be afraid? But they are. It's like they're muzzled more under Liberals than they were with the Tories.

I'm telling you that when it comes to this issue of special education, this new approach advocated by the member from Sault Ste. Marie, I'm about to suggest that I have a slight disagreement with that approach. I think it's a wrong approach and I wanted to communicate to the citizens watching my disagreement with it.

I then want to talk about transportation. I want to let the citizens of Ontario know the Liberal approach to transportation. Some of you will know that when the Liberals came to power, they promised to reinvest in transportation. It was not going to be a shifting of money from one board to the other; it was going to be an investment in education. Now, if people tell me there's going to be an investment in education, I think new money. Wouldn't you think that?

Interjection.

Mr. Marchese: I would. Yes, I know you would too. I would be thinking new money. But there was no new money announced, none at all. The Minister of Education, rather than dealing with a funding formula change that would address the low benchmarks given for transportation that were set in 1996 by the Tories, rather than changing that funding formula, he does nothing of the kind. He introduces what he called a new funding model: Equitable Allocation Through a New Funding Model for Student Transportation in Ontario.

I want to speak to the cleverness of the way the minister titled that bill, because he called it equitable. Now, if I say to you, “equitable,” it suggests to me or to you, if I say it to you, that people are going to get a fair share of transportation dollars. It just didn't happen that way: 31 boards got less money and will get less money this coming year, and the other boards are going to get an increase. Except it's not new money and extra money; it's taking away from 31 boards to give to the other 38 or so boards. But that's not equitable. That's taking from other boards to give to other boards.

How could the Minister of Education think this new approach to transportation is a good thing? How could they defend it? On what basis? So the member from Sault Ste. Marie has to reason this through and say, “This is a problem here.” He advocated the fact that this is a new approach to education. How do you defend taking from

30 boards and giving it to the other 50 boards? So the minister says, "Ah, no, we're not doing that." He played with it. He offered so many different ways of dealing with that issue.

1740

But I said to the minister in one of the committees, "You have changed the way boards are going to get money, and you have made a decision already, because 38 boards already received a down payment for the additional money they will be getting this September in the year 2005." So while the minister said, "This is not a permanent change" or "We haven't made a decision" or "This is a draft model," how could it be a draft if you have already announced that the 39 boards or so are going to be getting more money and you've already given them a down payment this year?

It has been a real tough challenge for me to have to convince the education activists and others out there that this is not a friendly government. Oh yes, they're friendly in words, but when it comes to the action of giving money, it's not a very friendly government. They're hoping that the words "This is a new approach" or "We're trying to have peace and stability" are going to make people feel good. But unless you bring the money, unless you bring the pecunia forward, it's hardly a friendly government. People, boards, teachers and trustees are looking for the pecunia to come forward; it's not coming. This government is broke. I know it, and they know it. They have to play this game of moving money around, announcing it one day, reannouncing it another day and making it appear—whether it is health or education, whatever—that it's new money every time they announce it.

Mr. Oraziotti: We have to keep announcing it because you don't get it through your head.

Mr. Marchese: Oh, the member from Sault Ste. Marie is acting tough with the member for Trinity-Spadina. Well, I'm waiting for him to do his two minutes and see how we can duel this out.

Interjection.

Mr. Marchese: I'm waiting for this duel here any moment in his two-minute rebuttal, of course.

Interjection.

Mr. Marchese: I'm going to duel with him any time in this place. He's got two minutes.

I want to tell you more about the new Liberal approach to education, because the next announcement is about small schools. Now, you remember, Kennedy, the Minister of Education, announced a moratorium on small schools, but he never delivered the pecunia to keep small schools open. So the boards were in a bind—member from Sault Ste. Marie, I'm waiting for your two-minute rebuttal. The boards are in a bind. A moratorium means you can't close schools. That's what the law was, and is, although I think they lifted it just last week. Boards are saying, "How do we deal with this?"

I have to explain—and I'm going to deal with this so it's as clear as possible so that people understand this. Small schools do not have the money to be able to

function in the way that they would like to. Once it falls below 200, they have a problem in terms of providing all the programs they need. If you've got a school of 120, 130, 150, it begins to be complicated in terms of how you have the teacher numbers so that you don't have three classes combined, grades 1, 2 and 3 or grades 4, 5 and 6 and so on. You don't have enough money to generate a librarian, a special-ed teacher and the like or you don't have enough money to generate a principal.

What small schools need is a new funding formula that creates a different threshold for when they qualify to get a principal. If you don't have the numbers, you don't qualify. But if you do put the principal in that school, you've got to steal from other boards or from that board to be able to pay for that principal. If you want to keep classes small and not combine grades 2, 3 or 4 in one class, you've got to put in extra teachers, and if you do that, it costs money. If you want to put in a librarian because you think it's important and you don't qualify because you don't have the numbers, but you do put one in, it costs money. So you're stealing from other schools. That's what small schools are all about.

But lo and behold, Speaker, between you and me and the wife, who teaches, last week I went to this press conference with the Premier, the guy with a heart, and with Mr. Kennedy, the minister, the other one with a heart, at Vaughan Road. They announced 280 million bucks of money that would be leveraged by school boards and could produce—get this—\$4 billion worth of new schools and repairs for plumbing, air conditioning, whatever. Four billion bucks; it would generate.

Last year, last May, they announced \$200 million. With that \$200 million, they were going to generate \$1.2 billion worth of new buildings, repairs etc. They didn't spend a cent. So of the \$100 million they announced last year, not one cent was spent. When the minister was asked, he said, "It was never intended to be spent. We just wanted boards to get ready." Get ready for what? Why would you announce \$100 million of money so that school boards could have access to the money to be able to build schools, and then say to schools, "But you're not going to get it this year; we're just announcing it so you can get ready for next year when we announce more money." It's nuts. It makes no sense. It is politically stupid; it is pedagogically unsound; it makes no sense whatsoever.

They announced \$100 million last May, and not one cent was spent, and that was going to generate billions of dollars. Now they announce \$280 million, and that will generate \$4 billion. You know what, member from Sault Ste. Marie? Next year your minister is going to come here and announce another \$100 million on top of the other, and it will generate, good God, \$600 billion worth of capital projects. And very little money will flow. That's the problem. You just make announcements and no money flows.

That's the problem with the new Liberal political approach to anything you do. Not only that—to make fun of that announcement on capital projects—I have no faith

that any of that money will flow. The minister says that the first \$75 million or so—he might have said \$150 million—you could access in the next 18 months. It's not the next two months, not the next three, but the next 18 months. He's going to drag it out until next year, close to the election. That's why I say that next year he's going to announce another 100 million bucks, because he won't spend it this year. He will use the same money, add another \$100 million—you understand the picture, folks. If it's not clear, then we'll have to do another speech another time, but I think you've got the picture.

You know what else they announced at last week's announcement? That with this money, small schools would not close. That's what he said. Kennedy, the Minister of Education, said, "By the way, this announcement will prevent small schools from closing."

Interestingly, I read in an article in the Thunder Bay Chronicle-Journal that said, "The provincial government's new funding formula is being heralded by rural school supporter Leila Kajorinne as a potential saviour for 14 schools marked for closure." I thought, "How does it do that?" She says, "I really want to commend the government on what they've done."

Then the minister says, "Obviously, we tried to hold a bit of a collaboration together with them and they decided to make a decision, as everybody knows"—it means nothing—and he goes on to say, "At the end of the day, there will be significantly less (money) for Lakehead if they close the schools, because we're paying for repairs at every school including the 14 they are closing."

It makes no sense. What small schools need is money for principals, money for secretaries, money for vice-principals, that the current funding formula does not provide. They need extra teachers to keep class sizes down. The fact that you provide capital dollars will not contribute one cent, one iota, to keeping small schools open.

But the Minister of Education, and presumably his followers, the member from the Sault and others, just buy into this blah, blah, blah so blindly. I just don't understand it. How could the Minister of Education and others defend it when it's blatantly not true? What they need is money. What small schools need is a changing of the funding formula, and this government refuses to change the funding formula. They are doing bits and pieces of funding formula change, but there is no wholesale change of the funding formula. We are still operating under the Conservative rules established in 1996-97, which set the funding formula benchmarks at those low levels, and nothing has changed.

1750

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): Nothing?

Mr. Marchese: Nothing has changed. The funding formula is still the same. The Liberals are operating under a Conservative funding formula structure that is flawed, that I argued against and that the now Minister of Education argued against when he was in opposition. But

they're still keeping the same structure, and that structure means that schools—and teachers, students and parents who care—are underfunded.

They praise this capping of class size, and I do too—if only they delivered on that promise. They claim they put in \$119 million. I don't know how much money they put in, but that is the claim. Listening to the Minister of Education today, not once did he use the words "capping class sizes"—not once. You will observe that when the Minister of Education speaks, he makes no reference to capping class sizes, because he knows it's a promise he cannot keep.

The member from Sault Ste. Marie talked about lowering class sizes, which are the words the Minister of Education uses, but he used the word "capping," which is interesting, because they try to use "lowering of class sizes" and "capping" as synonymous. They are not synonymous. Those who are teachers and education activists know that the two are not synonymous. But they use them synonymously, and that is wrong.

Interjection: Why is that?

Mr. Marchese: I'll explain. Capping means you establish a number and keep class sizes to the number you establish. Reducing class size means that if the cap is 23 or 25, there might be 24, there might be 23, there might be 22, or there may not be any class size change, as indeed is the case at the moment. But capping is an expensive promise to keep, one that, although in principle we think is a good thing to do, if you're not committed to raising the money, don't make the promise. Capping class sizes costs anywhere from \$500 million to, some analysts claim, \$1 billion.

How could you make a promise of capping class sizes when you never really had the commitment to raise the money to make that capping a reality? You never had the commitment to raise that money. Why promise capping when you should have said, "We promise to reduce class sizes as best we can." That's what you should have said. But you said "capping" when you were in opposition and during your campaign; you didn't say, "reducing class size." Now that you're in government, the words coming out of the Premier and the Minister of Education are "reducing class size," and others use it synonymously, as if to suggest the two mean the same thing. Teachers who are in this place know that is not true.

What we know is that class sizes at the moment, under a Liberal regime, from grade 4 to grade 12, have increased almost exponentially. Some class sizes at the elementary level and the high school level are unbearably high. You won't find Liberals talking about reducing class size in grades 4, 5, 6, 7, 8, 9, 10, 11 and 12. You won't find any Liberal member talking about reducing class size in those grades, but you will find them talking about "the great success of reducing class size"—not capping, but reducing—in the primary grades, 1, 2 and 3.

Mr. Khalil Ramal (London-Fanshawe): That's what we promised to do.

Mr. Marchese: Member from London-Fanshawe, you promised that you would cap class sizes. That's what you promised.

Interjection.

Mr. Marchese: No, member from London—Fanshawe, capping class sizes means you're going to have all those classes—grades 1, 2 and 3—capped. All you've committed, that we're aware of, is \$100 million, and we don't know how much of that you've spent. We don't know. So speak to your promise of capping and tell me how much you're going to inject in this coming budget for capping class sizes. I'll be looking forward to that with relish.

Now to get back to the second part of my debate having to do with this particular bill: The Liberals have no plan, absolutely no plan, to fix the problems in education, so they're trying to hide the problem by delaying negotiations until after or way before the election, so they don't have the headache of making sure that negotiations happen on or during that next election campaign. In 2001, the Tories dictated that all collective agreements in Ontario would expire on August 31, 2004, and all subsequent contracts would be three years in length.

I repeat what I said in my reaction in my two-minute statement. The agreements that the Tories had negotiated would come into play August 31, 2004. There is absolutely no way that a Liberal minister who understands this would allow negotiations to fall smack in the middle of an election campaign. Rather than the Minister of Education having the intestinal fortitude or testicular fortitude to say, "We are afraid of an election call that would have teacher negotiations falling in August," rather than saying, transparently, "We're afraid of that," he says, "Oh, no, this bill is about negotiating two-year agreements and four-year agreements, because it's really about," as he says, "conferring respect for the teaching profession." You understand how easy it is for people like me and others to be jaded about the political process.

Speaker, are you with me? I need your help. You've got to nod every now and again, because you and I are alone in this place.

To lend support to my opposition to what the Minister of Education, Mr. Kennedy, is doing here today, I want to quote him on things that he used to say when he was in opposition. I expect the education activists to be listening to this, and the House leader and others to listen to this, because this is what the Minister of Education said.

Interjection.

Mr. Marchese: Please, your hearing: I'll wait for a second. In the meantime, I will be able to take a swig of water. The House leader is all ears for Marchese.

Before the election, the Liberals slammed the Tories for trying to put off any potential teacher strikes until after the election, because that's what they tried to do in 2001. Gerard Kennedy chided them during the debate in 2001, saying, and I quote him—

Interjection.

Mr. Marchese: But you can hear me; I'm loud. Come on: Don't pretend you need the speaker. I'm very loud.

Here is what Gerard Kennedy, the Minister of Education, said: "Today, they'll say"—of the Tories—"We demand there be a three-year contract. We demand that

that happen so there are no untoward activities around the time of the next election." That's what Gerard said about their bill that would come in 2004, at the time that you would be calling the election. He also said—lending support to my argument to oppose it, as he would have were he here—that dictating the lengths of contracts was heavy-handed.

Mr. Yakabuski: Is he somewhat inconsistent?

Mr. Marchese: I'll leave it to the intelligent voter and citizen.

Before the election, Liberals said dictating the length of contracts was heavy-handed. He goes on to say, and I quote him—

Interjection.

Mr. Marchese: I know. But you'll have two minutes too. You, House leader, will have two minutes to be able to deal with me as well.

Gerard Kennedy, the Minister of Education, said, "You think you're going to fix problems in education, many of them of your own making, by ordering people around. You're going to boss them, you're going to make them do things and, in this case, you're going to get three-year contracts just because you say so."

You understand, House leader, how jaded we can be, when I quote Mr. Kennedy using the very language that he used when they introduced three-year agreements, and now he says, "Oh, it's got nothing to—

Interjection.

Mr. Marchese: The House leader is upset at me pointing out—Ted, are you about to stand up and say I've got to do this another day?

The Acting Speaker: Yes.

Mr. Marchese: Thank you very much, citizens of Ontario. Tune in again.

The Acting Speaker: Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made.

1800

ADJOURNMENT DEBATE

ACCESS TO HEALTH CARE

The Acting Speaker (Mr. Ted Arnott): The member for Oak Ridges has given notice of dissatisfaction with the answer to a question given by the Minister of Health. The member has up to five minutes to debate the matter, and the minister or his parliamentary assistant may reply for up to five minutes.

Mr. Frank Klees (Oak Ridges): I'm taking this opportunity to raise this issue in this special debate in the Legislature because of the conduct of the Premier when I put a question to him on this important issue during question period.

I appealed to the Premier during question period and asked him to personally respond to my question, which deals with a matter of life and death. I put the question with regard to my constituent, Mr. Rick Sgroi of

Richmond Hill, who will die without enzyme replacement therapy. His wife, Mara, wrote a letter to the Premier, and in that letter she appealed to the Premier to step in to do what has to be done to ensure that her husband and other patients in this province receive this important life-saving treatment.

I was disappointed when the Premier refused to answer my question. In fact, he turned his back on me and referred the matter to the Minister of Health. The reason I didn't put the question to the Minister of Health initially is because he himself has refused to deal with this issue on many occasions.

I am appealing today to the Premier, who said when he was on the campaign trail, and I quote what he said at that point in time to every person in this province: "Our job is to make health care work better so you get the care you need, when you need it." Well, Mr. Sgroi and many patients across this province today need health care, and they need it now. It is within the authority of the Premier and the Minister of Health to ensure that enzyme treatment is available. This enzyme replacement therapy, which is helping many patients, is available. It's simply up to this government to ensure that that is done.

The Minister of Health continues to use technicalities, continues to lay the blame on the drug company for the fact that Mr. Sgroi and other patients in this province are not receiving this life-saving treatment. That is irresponsible; it is unconscionable. On behalf of all those patients in this province today, I'm calling on this Minister of Health and this Premier to assume their responsibility.

In a letter to the Honourable George Smitherman, Mr. Sgroi wrote the following: "I am not quite sure what else I can do, what else you want me to do." Here is what we want the Minister of Health to do: assume his responsibility as the Minister of Health to order that these treatments be made available to every patient who needs them in this province.

I look forward to hearing from the Minister of Health or his representative today with a positive answer that people in this province can count on. Don't give us a bureaucratic response; this is a matter of life and death.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): I'm pleased to rise today to address the House on the important issue of the Fabrazyme and Fabry disease, and the funding for its treatment. On behalf of the McGuinty government, I want to express our deepest sympathy for the victims of Fabry disease and their families. I want to reaffirm that we are committed to providing the highest standard of health care for those patients who suffer from this disease. It is estimated that there are currently about 300 people in Canada with Fabry disease. According to media reports, about 12 patients are currently receiving enzyme replacement therapy for Fabry disease in Ontario, and clinical experts have indicated there may be up to 50 to 60 Ontarians who may need treatment. The cost of treatment for each patient could be up to \$300,000 a year. But cost is not the issue here. It's a question about the effectiveness of the treatment that concerns us.

While Fabrazyme and Replagal are approved for marketing in a number of countries around the world, there is limited information regarding their funding by public health authorities in international jurisdictions. In Canada, contrary to what the member for Kitchener-Waterloo said in the House on February 16, 2005—and I'd like to quote from Hansard where it says, "If you go to Alberta or you go to Quebec, they're still receiving treatment with provincial approval." But no jurisdiction, including Alberta, has made a commitment to fund enzyme replacement therapies for Fabry disease to date.

In September 2001, federal, provincial and territorial health ministers agreed to establish a single common process for reviewing drugs for potential coverage by public drug benefit plans in Canada. Former Health Minister Elizabeth Witmer played a role in establishing the Common Drug Review. Yet she's asked our government to ignore the CDR process and simply fund the treatment without the necessary scientific evidence to back the treatment.

On November 24, the expert advisory committee for the national Common Drug Review recommended that both Fabrazyme and Replagal, two enzyme replacement therapies for Fabry disease, not be listed by participating jurisdictions. All of the provinces included in funding the Common Drug Review process are committed to awaiting the final recommendation on this.

Meanwhile, participating jurisdictions have requested that the Common Drug Review review some additional data regarding Fabrazyme, subsequent to the first review. According to the Canadian Coordinating Office for Health Technology Assessment's Web site, this information is scheduled to be discussed by the Canadian Expert Drug Advisory Committee this spring. At present, both the minister and the Premier have indicated that the final decision regarding whether or not the ministry will fund Fabrazyme will not be made until the government has considered the recommendations that will come from CEDAC and the ministry's Drug Quality and Therapeutics Committee regarding this new data.

The national Common Drug Review process helps us to evaluate the science and evidence for complex therapies, and it is important that the ministry's decision of whether or not to fund enzyme replacement therapies for Fabry disease consider a thorough assessment of this scientific evidence. The government is respecting the CDR process. The ministry will use the recommendations from CEDAC to inform the ministry's consideration regarding whether or not to fund enzyme replacement therapies for Fabry disease.

If the company feels its products will pass the Common Drug Review process, it should continue to provide the drug on compassionate grounds to patients who are currently receiving it, just as it is doing in other provinces. It is important that all provinces be treated equally. It is important that the process be respected.

Ontario is committed to continuing to provide a wide range of effective health care services already available for the management of Fabry disease. This includes cardiovascular care, pain management, dialysis and

transplantation. I hope this provides a clear message from our government.

The Acting Speaker: When the member for Oak Ridges had the floor, unfortunately there was a problem with the clock. The member felt that his time was up, but in actual fact he had an extra one and a half minutes. I would like to propose to the House that I recognize again the member for Oak Ridges so that he can conclude his remarks.

Mr. Klees: What we just heard from the parliamentary assistant was precisely what I was hoping we wouldn't hear: more bureaucratic justification for not doing the right thing.

Apart from all the technical requirements and issues at stake, is in fact the integrity of the Minister of Health, who wrote a letter to Donna Strauss on July 3, in his own handwriting:

"Thanks so much for your lovely note.

"I do want you to know that I'm proud to have had an opportunity to meet John and to witness your love for

one another." John is Donna's husband, who died this past year.

The Minister of Health goes on to say, "As you struggle to deal with such a huge loss, I wish to assure you that I will make certain of coverage for Fabry. Don't let any stories about the drug's slow approval add to concern about coverage."

It is signed, "Warmly, George."

This is our Minister of Health, who has personally made a commitment to ensure that this coverage is available to patients in this province. I ask the Minister of Health and the Premier of this province to honour their commitment. This is a matter of life and death.

The Acting Speaker: It being past 6 of the clock, this House stands adjourned until later on this evening at a quarter to 7.

The House adjourned at 1809.

Evening meeting reported in volume B.

ERRATUM

| No. | Page | Column | Line(s) | Should read: |
|-----|------|--------|---------|---|
| 96 | 4681 | 2 | 1-6 | Mr. O'Toole: We want to get the legislation right. We intend to support every issue that involves public safety. With respect to the greenbelt legislation that I mentioned, Bill 135, I am quite supportive of it. I know Mr Tory is quite passionate about having preserves of green space, as we were under the Oak Ridges moraine. |

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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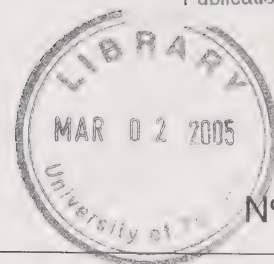
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| <i>M. Klees</i> | |
| Adoptée..... | 5264 |

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur l'éducation, projet de loi 167,

| | |
|-----------------------------|------|
| <i>M. Kennedy</i> | |
| Débat présumé ajourné | 5297 |



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of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 22 February 2005

Mardi 22 février 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 22 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 22 février 2005

The House met at 1845.

ORDERS OF THE DAY

CITY OF OTTAWA AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LA VILLE D'OTTAWA

M^{me} Meilleur, on behalf of Mr. Gerretsen, moved second reading of the following bill:

Bill 163, An Act to amend the City of Ottawa Act, 1999 / Projet de loi 163, Loi modifiant la Loi de 1999 sur la ville d'Ottawa.

The Acting Speaker (Mr. Ted Arnott): For the leadoff, the Minister of Culture.

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): Thank you, Mr. Speaker. I will share my time tonight with the members from Ottawa—Orléans, Ottawa Centre, Ottawa West—Nepean, and Glengarry—Prescott—Russell.

Monsieur le Président, chers collègues, la présentation de la seconde lecture du projet de loi 163, la loi de 2005 sur la ville d'Ottawa, revêt une importance particulière pour nous tous. Si ce projet de loi était adopté, la municipalité d'Ottawa se doterait d'une politique traitant de l'utilisation du français et de l'anglais dans l'administration municipale et dans la prestation des services municipaux.

Même si cette reconnaissance du caractère bilingue de la ville d'Ottawa représente une initiative sans précédent en Ontario, il n'en demeure pas moins que ce projet de loi s'inscrit dans le prolongement de la Loi sur les services en français. En effet, le libellé de la Loi sur les services en français reconnaît la place historique de la langue française en Ontario.

La Loi sur les services en français reconnaît aussi le statut de langue officielle de la langue française devant les tribunaux et dans l'éducation. La Loi sur les services en français reconnaît enfin l'apport du patrimoine culturel de la population francophone et l'importance de le sauvegarder pour les générations futures.

Le projet de loi 163, qui modifie la Loi de 1999 sur la ville d'Ottawa et qui est déposé en seconde lecture aujourd'hui, aura une résonance non seulement dans l'immédiat mais dans les années à venir. Déjà, on peut dire que ce projet de loi témoigne de la volonté de notre

gouvernement de mettre à profit la contribution des francophones, que ce soit au plan culturel, économique, politique ou social, tout en leur donnant accès aux services en français.

1850

Notre gouvernement est fier de porter une attention particulière aux besoins des Ontariennes et des Ontariens, dont un grand—

Interjections.

The Acting Speaker: Excuse me. Please take your seat. I would ask all members of the House to refrain from heckling, because I am trying to listen to the Minister of Culture.

L'hon. M^{me} Meilleur: Merci, monsieur le Président.

Notre gouvernement est fier de porter une attention particulière aux besoins des Ontariennes et Ontariens, dont un grand nombre de francophones.

Notre gouvernement est à l'écoute de la population et le démontre par le biais de mesures concrètes. D'ailleurs, ce projet de loi est en réponse à la ville d'Ottawa, qui avait demandé à la province d'apporter un amendement à Loi sur la ville d'Ottawa, 1999.

Nous mettons donc de l'avant un projet de loi qui vise, premièrement, l'utilisation du français et de l'anglais au chapitre de la gestion de la ville d'Ottawa et, deuxièmement, la prestation des services municipaux dans les deux langues. Ce projet de loi s'inscrit aussi dans le cadre de la politique de bilinguisme adoptée par le conseil municipal.

Je suis très heureuse d'appuyer cette initiative et d'œuvrer en étroite collaboration avec mon collègue et ministre des Affaires municipales et du Logement, l'honorable John Gerretsen. Le ministère des Affaires municipales, de concert avec l'Office des affaires francophones, a donc travaillé à l'élaboration d'un plan pour répondre à la demande de la ville d'Ottawa de reconnaître son caractère bilingue.

Un des traits caractéristiques de ce gouvernement est sa volonté de soutenir les diverses communautés de la province et d'être au service de l'ensemble de la population. C'est là tout le sens que revêt le concept de communautés saines et fortes, des communautés qui s'enrichissent de leurs différences. Toutes ces communautés réunies font de l'Ontario une collectivité sans pareil. L'Ontario se distingue comme modèle d'harmonisation des cultures et de respect à l'égard de la diversité, non seulement au pays mais dans le monde entier. Cette distinction nous honore tous. La province veut miser sur cette richesse et faire valoir son apport à la société

ontarienne par des gestes concrets de reconnaissance et de respect.

L'esprit du projet de loi que nous proposons aujourd'hui fait écho à un des principes fondamentaux de notre réalité nationale, soit la dualité linguistique. Dans les sondages, une très grande majorité de citoyennes et de citoyens expriment à quel point il leur tient à cœur de faire valoir le français et l'anglais, ces deux langues au rayonnement international.

Quel chemin parcouru. C'est en le mesurant qu'on trouve la détermination nécessaire pour donner un nouvel élan à notre héritage linguistique et culturel.

Le projet de loi qui est présenté aujourd'hui est beaucoup plus qu'un projet de loi. Il symbolise la volonté qui nous anime de contribuer à l'essor du français, non seulement comme langue d'accès aux services publics, mais comme source de dynamisme social, économique et culturel.

La reconnaissance officielle du fait français dans la ville où réside la capitale nationale ravive le principe de la dualité linguistique.

Je sais que plusieurs d'entre vous avez des origines francophones et parlez français. Vous m'avez souvent dit combien votre connaissance des langues et cultures française et anglaise vous ouvrent des portes dans tous les domaines. Plusieurs d'entre vous avez voulu transmettre ces chances de réussite à vos enfants en les inscrivant dans des écoles d'immersion ou de langue française. La compréhension d'une langue et d'une culture supplémentaires les a davantage outillés. La langue et la culture françaises leur ont permis d'afficher une plus grande polyvalence dans la sélection d'une institution scolaire ou dans la recherche d'un emploi.

Nous voulons que le plus d'Ontariennes et d'Ontariens aient accès à un éventail de possibilités dans le présent et pour l'avenir.

Ce que je vous propose aujourd'hui, c'est de donner suite à un engagement clé de ce gouvernement, de reconnaître les retombées positives de ce projet de loi pour l'image de la province et son ouverture sur le monde. Je vous propose d'aller de l'avant avec l'adoption de la seconde lecture du projet de loi, soit l'amendement de la Loi sur la ville d'Ottawa, 1999 sur la ville d'Ottawa. Merci.

Mr. Phil McNeely (Ottawa-Orléans): I'm pleased to rise and speak in support of Bill 163, the Ottawa bilingualism act. This act is very important to me not only because I represent Ottawa-Orléans, but also because I've lived almost all my life in the Ottawa area. Let me tell you a little bit about my community of Orléans.

The French language plays a fundamental role in shaping Orléans, with no less than 30% of the population being francophone. This is the second-highest percentage of francophones in any riding, just behind Glengarry-Prescott-Russell, Mr. Lalonde's riding. Together with Ottawa-Vanier and Glengarry-Prescott-Russell, we have 160,000 francophones in that area along the Ottawa River.

Les racines françaises d'Orléans sont très profondes. Elles remontent jusqu'en 1860, l'année de la fondation d'une mission catholique appelée Saint-Joseph-de-Gloucester. À l'époque, la population était principalement composée de fermiers francophones à la retraite qui souhaitaient se rapprocher de l'église.

C'est seulement quelques années plus tard que la communauté sera appelée Orléans, parce que le directeur général des postes ouvrira le premier bureau de poste.

For over 100 years, Orléans remained a primarily francophone community. It was not until the late 1960s that it began to grow and see the arrival of new groups from a variety of backgrounds. The dynamics of the community may have changed, but its spirit remains the same. French language and culture have been, and continue to be, integral part of Orléans. This mix of cultures makes Orléans a rich and vibrant community, with anglophone and francophone groups working together to enhance the quality of life for all.

Many students are actively learning both languages. I learned both languages—at least I speak some French—when I was growing up. These students and I realize that bilingualism is an asset. Not only does it allow for communication between English- and French-speaking groups; it allows for true understanding of each culture.

Moreover, this tradition of understanding has created a community that values the lifestyles and contributions of people from all cultural backgrounds. The people of Orléans take pride in this, and I take pride in representing Orléans.

Given the distinctiveness of Orléans, and Ottawa as a whole, it is safe to say that no one knows the needs and wants of these communities better than those who live there.

C'est pourquoi ce projet de loi indique que ce sont les résidents et résidentes d'Ottawa, par le biais de leurs élus locaux, qui sont les mieux placés pour déterminer les services qui doivent être procurés en anglais et en français.

Nous voulons nous assurer qu'une politique linguistique est bien en place et confirmer que seul le conseil municipal est responsable de l'adoption de cette politique. Ottawa sait comment diriger les affaires commerciales et communautaires en anglais et en français. Il y a aussi longtemps que la ville gère sa propre politique de bilinguisme que ce projet de loi prend en compte et respecte.

If we want our municipalities, including Ottawa, to be as efficient and productive as possible, we must give them the ability to chart their own courses for local issues. This government has faith in the ability of municipalities to do what is best for the communities. I especially have faith in the city of Ottawa to choose the language services it provides to its citizens.

We made a commitment to respond to the request from Ottawa city council and through this bill we have delivered on it. We have recognized Ottawa as a designated bilingual city. This bill will simply ensure that

a language policy be in place and confirm that city council alone is responsible for determining that policy.

I strongly urge all members to support this bill. Ottawa est une ville bilingue. Merci.

Mr. Richard Patten (Ottawa Centre): Au début, je veux dire qu'au mois de mai 2001, la ville d'Ottawa avait demandé à la province de l'Ontario de reconnaître son caractère bilingue. Voici ce que le maire d'Ottawa avait dit au premier ministre dans ce temps-là, M. Harris : « Le conseil municipal a approuvé une recommandation demandant à la province de l'Ontario de modifier la Loi de 1999 sur la ville d'Ottawa, afin que l'administration de la ville et les services offerts au public fonctionnent en anglais et en français, conformément au règlement adopté par le conseil. »

1900

It's important to keep in mind that the proposed amendment in this particular bill, which is the basis of tonight's discussion, will simply ensure that a language policy be in place and confirm that city council in Ottawa alone is responsible for determining that policy.

In addition, the province's decision to recognize Ottawa's bilingual character supports the spirit of what the city was seeking of us. To do anything else would be running counter to the government's goal of greater autonomy for municipalities.

Our government believes in the ability of local governments to act in the best interests of their citizens. We also believe that it's right that local decisions are made locally and that these values are the ones that drive the proposed legislation that's before us this evening.

As the site of Canada's capital, Ottawa is a city long accustomed to carrying on its business and community affairs in both English and French and, I might add, other languages as well. In fact, the city has a history of setting its own bilingual policy, and it has long served its citizens in both English and French under policies adopted by the city council.

Bill 163 recognizes that the people of Ottawa, through their elected local government, are the ones best able to determine what services they deliver in English and in French. They also know the best way of administering these services.

In summary, our government made a commitment to respond to the request by the city of Ottawa council, and Bill 163 allows us to fulfill this commitment. The bill also reaffirms our approach to provincial-municipal relationships, giving municipalities the tools they need in order for them to do their job.

Please be assured that this amendment does not impose anything new on the city of Ottawa. For example, it will still be up to the city council to set its policy for delivery of services in both languages, which it already has a long history of doing. So, by introducing this legislation for consideration by this House, we are recognizing the unique bilingual character of Ottawa as our nation's capital. This should be of great satisfaction to Mayor Bob Chiarelli—and the council—who has been

quoted as once saying that Ottawa "should set the leadership standard in the country for bilingualism."

Je veux dire que j'estime que le projet—

Interjection.

The Acting Speaker: I would ask the member for Nepean–Carleton to refrain from heckling this evening. I will not tolerate it any further.

M. Patten: J'estime que le projet de loi 163 respecte et prend en compte les intérêts de nombreuses personnes au sein de la connectivité d'Ottawa, qu'ils soient des élus locaux ou des gens du secteur privé. En outre, je suis convaincu que cette législation permettra de souligner le caractère bilingue qui caractérise la ville d'Ottawa. C'est pourquoi j'encourage tous les membres présents à la Chambre à soutenir l'adoption du projet de loi 163. Merci.

M. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Il me fait grand plaisir de prendre la parole ce soir et d'appuyer ma collègue la députée d'Ottawa–Vanier, madame la ministre de la Culture et déléguée aux Affaires francophones.

Ce projet de loi 163 vient appuyer l'arrêté du conseil de la ville d'Ottawa, qui a reçu l'appui de ses membres le 9 mai 2001.

Cela me fait grandement plaisir aussi de soutenir ce projet de loi aujourd'hui. Le 11 octobre 2001, j'ai déposé un projet de loi d'initiative parlementaire semblable. Cette mesure est une reconnaissance du caractère bilingue d'Ottawa.

Ce projet de loi s'inscrit dans le prolongement de la Loi sur les services en français. Cet amendement n'impose aucune nouvelle obligation de la ville d'Ottawa. Il relève du conseil municipal de la ville d'Ottawa d'établir sa politique sur la prestation des services municipaux dans les deux langues, et c'est ce que le conseil a déjà fait.

La disposition législative est le résultat d'une demande adressée directement par la ville d'Ottawa par voie de résolution. Actuellement, il n'existe pas de loi provinciale donnant le pouvoir aux municipalités de se déclarer bilingues. La ville d'Ottawa n'a donc pas le pouvoir d'adopter un règlement donnant à l'anglais et au français une égalité de statut, de droits et de privilège en ce qui concerne les services municipaux.

Ce projet de loi aura une résonance non seulement dans l'immédiat, mais dans les années à venir. L'adoption de la modification aurait une valeur symbolique importante et représenterait une évolution significative de la nature des problèmes linguistiques en Ontario.

Notre gouvernement est à l'écoute de la population et le démontre par le biais de mesures concrètes. Déjà, on peut dire que ce projet de loi témoigne de la volonté de notre gouvernement de mettre à profit la contribution des francophones, que ce soit au plan culturel, économique, politique ou social, tout en leur donnant accès aux services en français.

Un des traits caractéristiques de ce gouvernement est sa volonté de soutenir les diverses communautés de la

province et d'être au service de l'ensemble de la population. L'Ontario se distingue comme modèle d'harmonisation des cultures et de respect à l'égard de la diversité non seulement au pays mais dans le monde entier.

Ce projet de loi affirme un des principes fondamentaux de notre réalité nationale, soit la dualité linguistique. La reconnaissance officielle du fait français dans la ville où réside la capitale nationale ravive le principe de la dualité linguistique.

Dans les sondages, une très grande majorité de citoyennes et de citoyens expriment à quel point il leur tient à cœur de faire valoir le français et l'anglais, ces deux langues au rayonnement international.

Je veux vous dire que, actuellement, avec ce projet de loi, il y aura des retombées économiques touristiques incroyables dans la ville d'Ottawa, parce que j'ai vraiment voyagé dernièrement, et puis tout le monde dit, lorsqu'on parle le français dans les autres pays, « Est-ce que tu viens du Québec? » « Non, je suis fier de dire que je suis un Canadien, un Ontarien et un Franco-Ontarien. Donc, ici en Ontario, nous pouvons être servis en français. »

Au mois de janvier dernier, j'ai représenté le gouvernement ontarien dans une commission bilatérale à Tunis, et puis à ma grande surprise, lorsque j'y suis arrivé avec le ministre des Affaires de la francophonie fédéral en Tunisie, ils m'ont dit, « Tu viens du Québec? Tu parles le français. » La délégation était composée surtout des gens du Québec.

Puis, je me suis aperçu que même en Tunisie les gens ne savaient pas qu'ici en Ontario, nous pouvions donner des services en français et répondre à leurs besoins. Il y aura certainement des retombées économiques qu'on pourra sentir d'ici quelques années, parce qu'auparavant, on allait acheter les services au Québec. On ne savait pas qu'on pouvait donner ces services-là en français. Lorsque je leur ai dit qu'en Ontario, nous sommes au-delà de 545 000 francophones, plus 1,1 million de personnes francophiles, tout le monde reste surpris.

Dernièrement, puis encore cet après-midi, j'ai adressé la parole à un groupe qu'on appelle en anglais « Good Road », lorsqu'on a demandé si on était pour s'assurer à ce que toutes les enseignes allant jusqu'à la capitale nationale soient bilingues. J'ai soulevé aux gens du ministère des Transports un point qui m'avait été soulevé lorsque j'ai participé à une partie de golf à Alexandria pour le Centre hospitalier pour enfants de l'est de l'Ontario. J'étais assis au souper avec une personne qui était autrefois de Sherbrooke. Il m'a dit, « Maintenant, je travaille dans la municipalité de Hull. Mon épouse était transférée par le fédéral à la ville d'Ottawa. » Durant la discussion, il m'a dit, « Monsieur Lalonde, c'est regrettable. Lorsque mes parents viennent me voir de Sherbrooke à Ottawa ou à Hull, jamais on va emprunter la route 417. » « J'ai dit, « Voyons, pourquoi? On prend la 148. » « Ben oui, mais mes parents ne parlent pas l'anglais. Si jamais j'ai un problème avec mon auto, je ne peux pas m'adresser en anglais. » J'ai dit, « Monsieur,

dans la capitale nationale, on peut s'adresser en français, et aussi dans la région de Glengarry, Prescott et Russell on a toujours des personnes qui parlent le français, puis beaucoup d'entre eux ne parlent pas l'anglais. »

Je voulais référer à une panne d'auto. Donc, c'est juste pour vous démontrer l'importance pour la région de la capitale nationale que nous sommes dans un pays dont le français et l'anglais sont reconnus d'un bout à l'autre du pays et à l'extérieur. Je sais qu'au Canada nous n'avons qu'une province officiellement bilingue, qui est le Nouveau-Brunswick, mais ça ne nous empêche pas de donner les services dans les deux langues dans la capitale nationale.

Le 6 octobre 2003, la Commission des langues officielles a publié son rapport annuel pour l'année 2002-2003. La recommandation numéro 7 stipule que le ministre délégué aux langues officielles doit « examiner et prendre toutes les mesures à sa disposition pour que la capitale du Canada soit déclarée ... bilingue. » C'est ça que nous voulons faire ce soir. Nous voulons que le gouvernement reconnaisse officiellement l'arrêté du conseil qui est survenu le 9 mai 2001.

Le nouveau ministre responsable des langues officielles, Mauril Bélanger, a exprimé son appui pour le bilinguisme de la ville d'Ottawa. Ce que je propose aujourd'hui, c'est de donner suite à un engagement clé de ce gouvernement. Merci.

1910

The Acting Speaker: I recognize the Minister of Consumer and Business Services.

Hon. Jim Watson (Minister of Consumer and Business Services): Before I begin my remarks, I want to commend the individual who spoke before me, as some members of the House may realize that a few months ago he was given the highest honour from the government of France with the Légion d'honneur. Congratulations to Mr. Lalonde for that accomplishment.

I'm pleased to participate in this debate. I want to let the people of my riding of Ottawa West-Nepean and the new city of Ottawa know what this bill does and what it doesn't do.

It does not make Ottawa bilingual or impose any type of bilingualism or official bilingualism on the city and people of Ottawa. In fact, Bill 63 does not refer to official bilingualism at all. What this bill does is simply amend the City of Ottawa Act and require that the city have a language policy. The actual language policy is the sole responsibility of the city of Ottawa and its elected council. In other words, a policy is required, but the extent and details of that policy are strictly left with city council.

The bill is exactly what the city of Ottawa requested several years ago, when it passed a resolution stating, and I quote, "That the province of Ontario be asked to amend the City of Ottawa Act, 1999, to require that the administration of the city of Ottawa and the provision of municipal services to the public be in French and English pursuant to the bilingualism policy adopted by council."

When I had the honour of serving as mayor of the nation's capital, we had a similar language policy that is in place now, and I considered that policy as practical bilingualism.

C'était une politique qui respectait un certain nombre de principes, y compris l'assurance que les francophones soient servis dans leur langue. Par exemple, dans les centres communautaires et autres installations municipales dans une région telle que la Côte-de-Sable où il y a une plus forte concentration de francophones, de nombreux membres du personnel étaient capables de communiquer dans les deux langues de notre pays.

Conversely, in an area like Ottawa West, where there are fewer francophones, the need for fully bilingual staff is not required, but again this is up to city of Ottawa to decide.

The policy was in place for years in the old city of Ottawa and it worked well. It worked well because the people of Ottawa respect the cultural and linguistic diversity of our city. This bill does not force any kinds of restraints or conditions on the city, but it does respect the wishes of city council.

Our government made a pledge to the people of all municipalities in the last election to work co-operatively with towns and cities. Our Premier, ministers and MPPs have struck a much more consultative and constructive relationship with municipalities. This bill is a good example of that new approach.

I'm pleased to support this bill because it lives up to that spirit of co-operation. During the provincial election campaign, I was very clear on my position that the province should not impose official bilingualism on the city of Ottawa and I'm pleased that this bill respects that position.

Respect for both languages is recognized in this bill because we are asking the city to ensure there is a language policy and that that language policy is in place. But the specifics and degree of that policy are up to the city, where the responsibility rightfully rests. From this perspective, this bill meets the test of fairness, and I hope all members of the Legislative Assembly of Ontario will support the bill.

The Acting Speaker: Questions and comments?

Mr. John R. Baird (Nepean-Carleton): I would be remiss if I didn't point out that a hard-working member of the public service is with us tonight: Lucien Pageau est avec nous dans la galerie. Lucien est fonctionnaire. Il travaille très fort, non seulement pour les francophones mais pour tous les citoyens de la province. Bienvenue, notre cher Lucien.

Le premier ministre et les candidats libéraux ont fait deux promesses pendant la dernière élection. Ils ont fait une promesse d'avoir un statut bilingue pour la ville d'Ottawa, et ce n'est pas contenu dans ce projet de loi. Ils ont menti. Ils ont trompé le monde. C'est absolument et très clair qu'ils ont fait ça avec ce projet de loi.

The Acting Speaker: The member for Nepean-Carleton used unparliamentary language, which I would ask him to withdraw.

Mr. Baird: I withdraw. I didn't see the earpiece in, Speaker. I'm impressed.

Let there be no doubt that the high ground has been lost. I respect each and every one of the members who spoke. I think they're decent people who care care tremendously about their community. I know each of them individually and I respect them. But let's make no doubt about it: This bill before the House is an abject failure of the commitments you made to francophones in Ontario. There isn't a single major francophone leader in the city of Ottawa who will not say that this is a broken promise. There's only one of you over there who actually had the guts and courage, when you faced the voters, to say what your real position was on this issue. For you to come into this House and lecture that this bill is anything but a major legislative fraud is frankly unconscionable. You should all bow your heads in shame. Shame on you.

M. Gilles Bisson (Timmins-Baie James): Oh là là. Il y a quoi à l'intérieur de ce projet de loi? Il n'y a rien là. Ça fait plus d'un an que ma collègue et moi et autres membres de l'Assemblée prenons sérieusement la promesse que les Libéraux ont faite dans la dernière élection : de reconnaître qu'Ottawa est une ville officiellement bilingue. On demande au gouvernement de mettre dans la loi le statut qu'elle mérite, pour dire à la fin de la journée que la ville d'Ottawa est officiellement bilingue et que, si un autre conseil dans le futur dit, « On veut le défaire, » il n'ait pas l'autorité, que cette autorité reste seulement avec le Parlement.

Mais qu'est-ce qu'on a dans ce projet de loi? On n'a rien. On a un projet de loi qui dit, « Ben, vous avez le droit de vous déclarer officiellement bilingue aujourd'hui. Si vous tentez de donner un service ici puis vous ne voulez pas le donner là-bas, vous n'avez besoin de rien faire. Et quand vous décidez que vous le voulez autrement, vous avez la possibilité de faire tout ce que vous voulez. »

Mais, c'est quoi, ce projet de loi? Ça ne veut rien dire. C'est exactement ce que la ville d'Ottawa a présentement. La ville d'Ottawa a le droit, sous l'acte municipal, de mettre en place des lois locales pour être capable de gérer les municipalités, y inclus les politiques quand ça vient au bilinguisme. Ce projet de loi fait quoi de différent? C'est pour ça que dans ce débat, quand j'aurai ma chance, je vais parler directement des amendements qu'on va amener au projet de loi pour donner un peu plus de force à cette loi, pour dire à la fin de la journée qu'on enchâsse dans cette loi l'idée qu'Ottawa est une ville officiellement bilingue et qu'on fasse ce que le conseil a demandé droit au début, et que seulement un changement à ce projet de loi par un Parlement futur pourrait faire perdre à Ottawa son statut d'être officiellement bilingue.

Il faut être clair. Ce projet de loi est quoi? C'est un gouvernement qui essaie d'être vu comme étant un gouvernement qui garde ses promesses. Mais quand ça vient aux actions, ce sont des Libéraux. Ils disent en anglais des « Lie-berals. » Je n'ai pas le mot en français, parce que ce n'est pas parlementaire, mais je peux vous

dire que ce projet de loi ne fait pas ce qui est dans le titre de la loi.

The Acting Speaker: Further questions and comments? No. That concludes the time available for questions and comments. One of the government members has two minutes to reply.

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L'hon. M^{me} Meilleur: Je vous remercie. Notre gouvernement a pris l'engagement d'accéder à la requête du conseil municipal de la ville d'Ottawa d'amender la Loi de 1999 sur la ville d'Ottawa.

Le gouvernement précédent avait demandé un conseiller spécial, M. Glen Shortliffe, de faire une étude et faciliter la fusion des municipalités lors de la création de la nouvelle ville d'Ottawa. Ce conseiller spécial avait recommandé que l'Assemblée législative désigne la ville d'Ottawa comme étant officiellement bilingue en français et en anglais.

Alors, le gouvernement précédent a fait fi des recommandations du conseiller spécial, et le maire d'Ottawa a demandé à deux reprises qu'on amende la loi créant la nouvelle ville d'Ottawa. La dernière réponse nous vient d'un nommé, John Baird, député à ce moment-là, ministre délégué aux Affaires francophones, une lettre du 14 août 2001 qui refusait encore au nom de son gouvernement d'accéder à la demande de la ville d'Ottawa.

C'est une occasion très spéciale pour moi, parce que j'étais au conseil municipal lorsque le tout était discuté. Je voudrais ce soir rendre hommage à mes prédécesseurs : à Bernard Grandmaître, qui était le parrain de la Loi sur les services en français, et à M^{me} Gisèle Lalonde, qui s'est battue contre ce gouvernement—qui est maintenant dans l'opposition et on sait pourquoi—qui a gagné cette bataille pour garder l'Hôpital Montfort ouvert.

Alors, je voudrais dire à ces gens-là qui m'ont précédée que ce soir je leur rends hommage, et notre gouvernement, par l'adoption de cette loi, va témoigner du travail que les francophones ont fait en Ontario.

The Acting Speaker: Further debate?

Mr. Robert W. Runciman (Leader of the Opposition): I appreciate the opportunity to make a few very brief comments in the debate this evening.

Je suis un étudiant de français. Je ne suis pas un bon étudiant mais je fais un effort.

Interjection.

Mr. Runciman: Sorry; Mr. Speaker, I should have asked for unanimous consent to defer the leadoff speech.

The Acting Speaker: Is there unanimous consent to defer the leadoff speech? Agreed.

Mr. Runciman: I didn't have any intent to participate in this debate earlier today, but given some comments made by the Minister of Finance earlier in question period, I did want to make a few brief remarks.

I think most Ontarians, with respect to the provision of French-language services, are reasonable and understanding people. When it makes sense, they're quite prepared to see the extension of services to meet the

needs of Franco-Ontarians. I think where the resentment and backlash has originated over a number of years has been when most reasonable people have looked at what was happening or at decisions being taken by a government or an agency of government and they wondered, "Why is this happening? Why is this justified? It does not make any sense."

I want to compliment le député de Timmins—James Bay, who is a committed, passionate and honest advocate on behalf of Franco-Ontarians in this province. I thought it was quite ironic to hear the Minister of Consumer and Business Services earlier saying, "We're keeping within the spirit of a campaign commitment." Whether you agree or disagree with the Liberals' campaign commitment, they're keeping the spirit of a campaign commitment. When you look at the fact that they've been unable or unwilling to keep many of their campaign commitments, I guess you'll hang on to any limb you can to keep your head above water. On this one, the Minister of Consumer and Business Services is saying, "We're keeping within the spirit of a campaign commitment."

The member for Simcoe—Grey—a veteran member of the Conservative caucus, a veteran member of this assembly, a former Minister of Health, a Minister of Energy—someone who served this province in a very honourable way, when he was posing a question about GO Transit being required to expend to provide French-language signage under the French Language Services Act, questioned the rationale of that. He talked about the fact that, with those kinds of monies, \$8.5 million, we could hire 212 new French-language teachers or build a new French-language school with the same kind of money we're talking about requiring, under provincial legislation, GO Transit to expend. To me, that is a very reasonable, understandable question. It's being asked by all kinds of people. There was an editorial in the National Post, and a number of media outlets have been raising this issue.

I was upset about the fact that when a respected member of this assembly poses that question in the House, the Minister of Finance makes suggestions with respect to motivation and raises the whole issue again of bias and prejudice in those kinds of issues. I believe it is truly unfortunate when a member of this assembly attempts to intimidate another member of the assembly with respect to raising very legitimate and understandable issues that are of concern to a great many Ontarians.

I wanted to put that on the record this evening. I think that was truly unfortunate, and I want to commend those who fight on behalf of Franco-Ontarians, who fought the good fight—Mr. Bisson and many others—and I believe that Franco-Ontarians over the years and over the governments of various stripes have been well served. Most of us want to make that effort and want to extend the arm of friendship and do what we can to help our fellow Ontarians who have made this province and this country such a great place to live. It's unfortunate when members of the assembly take advantage of opportunities

like this to try to exploit some sort of political advantage. Thank you. Merci beaucoup.

The Acting Speaker: Questions and comments?

Mr. Baird: I want to congratulate the Leader of the Opposition on his speech today.

I want to say again that I like the minister of franco-phone affairs. I think she is someone who cares passionately about the community. I like the Minister of Consumer and Business Services. I like my friend from Ottawa Centre and my good friend Jean-Marc Lalonde, whom I've worked with on many occasions. Someone I'm starting to work with is the member for Ottawa-Orléans.

I care deeply about this country. When the previous government refused to accede to Liberal requests on this bill, one's patriotism was questioned. I had received calls from, not just the Minister of Intergovernmental Affairs of Canada, the Honourable Stéphane Dion, mais du gars qui est maintenant le premier ministre du Québec et l'ancien ministre d'Héritage Canada, qui disaient que cette décision de l'ancien gouvernement était contraire aux valeurs canadiennes.

My commitments to my country were questioned because we wouldn't put a bilingual statute for Ottawa in place. My commitments to the linguistic duality of this country were questioned because we wouldn't enshrine the current bylaw in legislation, which would mean, with the requirement to preserve and promote as interpreted in the Constitution, it could never be changed. It was criticized and there were complaints. I endured brutal criticism.

While I like, respect and admire my fellow members from Ottawa who sit on the government side, I really ask them: Do they not owe members of the previous government an apology for the way this issue was dealt with?

The Acting Speaker: Further questions and comments? The Leader of the Opposition has two minutes to reply if he wishes to use it.

Mr. Runciman: No, thank you.

The Acting Speaker: OK. Further debate?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: I believe we have unanimous consent to adjourn the debate and that this evening's debate on Bill 163 be considered one full sessional day for the purpose of standing order 46.

The Acting Speaker: Is there unanimous consent? Agreed.

Hon. Mr. Duncan: Mr. Speaker, I move adjournment of the House.

The Acting Speaker: The government House leader has moved the adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

This House stands adjourned until tomorrow at 1:30.

The House adjourned at 1928.

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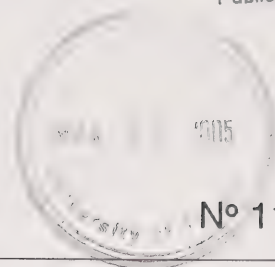
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Mercredi 23 février 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 23 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 23 février 2005

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

AGRICULTURE INDUSTRY

Mr. John O'Toole (Durham): Last night in my riding of Durham, I had the occasion to attend an information meeting at the Scugog arena. It was a meeting arranged by the Lanark Landowners' Association, along with other leaders in agriculture from my riding and, indeed, across Ontario.

Agriculture today in Ontario, and perhaps in Canada, is in crisis. The agricultural community was there in big numbers. It was the largest crowd that I have been part of in my riding with respect to this issue for many, many years. There were speakers like Randy Hillier, John Vanderspank and Merle Bowes. On top of that, we had Joe Hickson, who spoke, and Bill Hasiuk, who was moderator for the evening, and the Frews, Mr. Bert Werry, and many leaders—Anna Bragg—as well as others who are well known, not just in my riding but as leaders in agriculture in Ontario.

The issue here is low commodity prices, rising costs of production and machinery and supplies, the rising Canadian dollar, besides the issues of BSE, source water protection, nutrient management and the intimidation, almost, by the enforcement branch of the Ministry of the Environment.

Countless letters have been sent to the Premier and to the minister—the minister is here today. Minister Peters simply has not responded, and some suggest that he simply doesn't get it.

Agriculture is critical to the quality of life we've known and the quality of our families and the communities in Ontario. I ask the House to recognize the importance of agriculture in Ontario.

CHINESE NEW YEAR

Mr. Tony C. Wong (Markham): On Wednesday, February 9, about half a million Chinese Ontarians celebrated the arrival of Chinese New Year. Each year the Chinese New Year celebration falls on the date of the first new moon on the Chinese lunar calendar.

The Chinese New Year celebration lasts a total of 15 days, until Yuen Sui or Feast of the Lantern. In 2005 the

celebration lasts until today, February 23. The 12-year cycle in the Chinese calendar recognizes each of a dozen animals, and 2005 is the Year of the Rooster. People born in the Year of the Rooster—1921, 1933, 1945, 1957, 1969, 1981, 1993 and 2005—are deep thinkers, capable and talented, but they are also known to be a bit eccentric, always think they are right, and usually are.

Like our own New Year's celebration on January 1, Chinese New Year is about reflecting on the past and looking forward to the future. It is also time to spend time with one's family and honour one's ancestors and elders. The Chinese New Year's Eve gathering is among the most important family occasions of the year.

I know that many of you have been busy attending and taking part in Chinese New Year celebrations in your own communities. In China, businesses, schools and governments close for one week to allow citizens to celebrate the arrival of the new year. We don't have that in Ontario yet.

To all of my colleagues, Xin Nian Kwai Le—Happy New Year.

HEALTH CARE

Mr. Cameron Jackson (Burlington): I want to share with the House just how badly the citizens of Halton region in Burlington have suffered under the McGuinty Liberals with their mismanagement of Ontario's health care system because they have no plan to assist this province with its health care needs.

At 10 o'clock on Monday of this week, I was informed by one family—this man's wife was scheduled for surgery at 10. It was cancelled at 10 to 10 on the basis that there was not a single bed available in the hospital for once she came out of surgery. I have since learned there were five surgeries cancelled between last Friday and Monday.

At 11 o'clock, I got a phone call from a constituent of mine in Florida. Her husband had had a heart attack. The insurance company is prepared to pay all of his health care needs in Florida and pay for an air ambulance. They can't get him out of Florida because they can't find a single bed in the Hamilton area.

By the end of the day, I received a call from an ODSP recipient in my riding. Her disposable income at the end of the month is \$60. She needs a medication that is available to the people in this province if they can come up with \$175 a month to pay for their medication. We applied for a section 8 from the Ministry of Health. We

called this week and asked them, and they told us that they are now just starting to receive applications from last November. That means there is a five-month wait for section 8 applications for people in this province for their medications.

This is mismanagement. There is no plan, there are no beds, and we can thank the Liberal government for that.

ROTARY CLUBS

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): I rise in the House today to commemorate the 100th anniversary of Rotary International. Rotary is a worldwide organization of business and professional leaders that provides humanitarian service and promotes goodwill throughout the world, through clubs that are without political or religious affiliations and are open to all cultures, races and creeds.

The Rotary Club of Chicago was formed on February 23, 1905. Today approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs in 166 countries. During and after World War II, Rotarians became increasingly involved in promoting international understanding, and since 1945 have been actively involved with the United Nations. Rotary has made a commitment to immunize all the world's children against polio, becoming the largest private sector contributor to the global polio eradication campaign and immunizing more than one billion children worldwide.

The Rotary club motto, "Service Above Self," is demonstrated through projects that address issues such as children at risk, poverty and hunger, and literacy and violence. As all members of the Legislature are aware, our Rotary community clubs support programs for youth, international exchanges for students, teachers and other professionals, and career development.

Recently I had the opportunity to speak to the Rotary Club of Agincourt. I know my colleague and minister Gerry Phillips, Chair of Management Board of Cabinet, salutes and attests to the vital role that the Rotary Club of Agincourt plays in serving the Scarborough-Agincourt riding, and the importance of individuals such as Ajit Deshmukh, director of club services.

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In my riding of Pickering-Ajax-Uxbridge, local Rotary clubs led by Kerin Lloyd, Gordon Dyck and Tom Clarkson support projects such as Easter Seals of Durham, United Way of Pickering-Ajax-Uxbridge, and the Big Brothers of Ajax-Pickering, just to name a few.

I invite all members of provincial Parliament to join me in congratulating Rotary district governor Lars Henriksson and local Rotary clubs on their anniversary and in offering them our greatest appreciation for all they have contributed to our communities.

GREENBELT

Mr. Tim Hudak (Erie-Lincoln): Greenbelt property owners and farmers in the greenbelt area will be very

upset to hear that we anticipate third reading of the greenbelt legislation tonight and a vote soon this week. Dalton McGuinty and John Gerretsen are saying on this, "Trust us; we're going to get it right," but trusting Dalton McGuinty's Liberals is like standing next to Pinocchio and hoping you don't get poked in the eye.

There are so many questions left unanswered here. The minister claims to have a large consultation, but one wonders why they have not brought forward a corrected map. We anticipate some 2,000 or so errors in that map.

Their own advisory committee called for a greenbelt agricultural support plan to help greenbelt farmers. Did they do it? No.

Their own greenbelt advisory committee called for an appellate tribunal to make sure there's a fair, transparent and science-based process. Did they do it? No.

As well, we've asked for the science to be publicly displayed. Any good scientist puts his or her science out for public review, but did the McGuinty government put out their science? No.

In fact, there is no science, beyond political science. There is no plan for greenbelt farmers. There is no plan for greenbelt municipalities. Trusting this government to get it right is like trusting one of those Enron accountants.

We're going to vote against that "greenbotch" legislation.

MADDY HARPER

Mr. Michael Prue (Beaches-East York): I stand today in the Legislature to honour the contributions of a young student in East York: Maddy Harper, a 17-year-old student at East York Collegiate in Beaches-East York. Her compassion for those less fortunate led her to do something that I think many teenagers would not do, and that is to share her hair.

After deciding it was time for a change, she was determined to put her shorn blonde locks to good use by donating them to the Canadian Cancer Society, with the hopes that they would be used to make wigs for children of cancer who have lost their own hair. Motivated by a desire to do something positive amidst all of the things that are happening in our city, Maddy's act of kindness was about a year in the making and finally came to fruition when she found out exactly how to get involved with this worthy project. Not only did Maddy donate over 14 inches of her hair to the Canadian Cancer Society; she took it upon herself to create and distribute pledge packages to various people, raising over \$1,300 in pledges for the program.

Like many of us who have dealt with the anxiety of making the transition from "long" to "gone," Maddy says that the usual uneasiness that comes from the change was instead replaced by the warm feelings of following her convictions. She said, "It made me happy to know that someone could enjoy something that I've enjoyed for so long."

Like Maddy, the University of Toronto's Cuts for Cancer program is committed to making a difference in

the lives of those touched by cancer. Last year, they collected \$20,000 for wigs and over \$17,000 for the Canadian Cancer Society. The University of Toronto Cuts for Cancer is hosting their 2005 event on March 7, 2005. The hair is donated to Angel Hair for Kids, and your support is needed. Follow Maddy's lead and show that you care with your hair.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Mario G. Racco (Thornhill): Today is budget day in Ottawa. As Parliament Hill in Ottawa fills with the bright lights of media cameras, we ask Ontario's federal MPs to remember the people of Ontario and how much they contribute to Canada's strength. Ontarians are proud Canadians. Ontario has always given its fair share to Canada, and now we are asking for our fair share in return. We need to reduce the \$23-billion gap between what Ontarians pay and what we get back from Ottawa. We need to keep more of Ontario's money here in Ontario, invested in the things that will help us to create the wealth that we and our fellow Canadians rely on.

We aren't the only ones who are asking for fairness. The Ontario Hospital Association, the Ontario Medical Association, the Registered Nurses Association of Ontario, the Ontario Long Term Care Association, the Ontario Home Care Association, the Ontario Community Support Association and the Ontario Association for Non-Profit Homes and Services for Seniors all sent a letter to Prime Minister Martin yesterday which reads, "We fully endorse the unanimous resolution of the Ontario Legislature on February 21, 2005, calling on Ottawa to narrow the \$23-billion gap in net contributions from Ontarians to the federation."

There is a \$23-billion gap between what Ontarians give to Ottawa and what they get back. Ontario deserves its fair share so that we can continue to invest in the services and programs that Ontarians value most—health care, education and transportation—so we can create the wealth that we and our fellow Canadians rely on.

DOCTOR SHORTAGE

Mr. Michael Gravelle (Thunder Bay–Superior North): As members of the House will know, last week we learned quite suddenly that all six doctors presently practising at the Geraldton Medical Clinic are planning to terminate their services in less than three months' time. While this is obviously not the kind of news that one wants to hear, I am certainly gratified by the response and follow-up that have taken place since the public notice of the doctors' decision a week ago today.

Immediately upon hearing the news, Health Minister George Smitherman spoke with me and Greenstone Mayor Michael Power to indicate that the full resources of his ministry would be employed to resolve the situation and to maintain physician services at the clinic and Geraldton District Hospital.

Since that time, Mayor Power and I have had a number of conversations and meetings with senior ministry officials to explore some of the options to deal with this on both a short- and long-term basis. This included a meeting that Mayor Power and I had with the minister yesterday, where he reaffirmed his commitment to help us meet this difficult challenge.

Thanks also have to go out to various health care providers from all across the province who have come forward to offer their help. While we are still not in a position to make any announcements regarding a firm resolution to this situation, it is reassuring to know that so many are prepared to help.

For my part, I continue to hope that at least some of the doctors in Geraldton may be prepared to show some flexibility related to their departure date. That will certainly be one of the areas that I hope to directly explore when Mayor Power and I meet with the doctors and the hospital board next week.

Regardless, I want to assure all my constituents who are impacted by this decision that solving this problem is an absolute top priority for me, for our government, as well as for Mayor Power and Greenstone council. Our focus shall remain firmly on seeing that doctors' services remain available in the Geraldton-Nakina-Longlac area.

MEMBER FOR GLENGARRY– PRESCOTT–RUSSELL

Mr. Mike Colle (Eglinton–Lawrence): I'm proud to speak to the House today about a great honour bestowed upon our friend and colleague Jean-Marc Lalonde, the MPP for the remarkable riding of Glengarry–Prescott–Russell. That honour is the Chevalier de la Légion d'honneur medal. This medal is awarded by the Order of the Legion of Honour, created by the First Consul himself, Napoleon Bonaparte, on May 19, 1802. The President of the République française is the grand master of the order. It is awarded to reward at least 20 years of outstanding public or military service.

This very prestigious medal was awarded to Jean-Marc Lalonde by the ambassador of France in Canada, M. Daniel Jouanneau, on January 20, 2005, in recognition of his 34 years of public service in Canada and for his tireless work to make Ottawa and its surrounding municipalities a full-fledged bilingual community, complete with francophone schools and a francophone hospital, like the Hôpital Montfort. This, the ambassador of the République française said, would not have been possible without the persevering efforts of such leaders as Jean-Marc Lalonde.

Jean-Marc Lalonde is most deserving of this medal, not only for the outstanding work he does for the francophone communities at home but also for his hard work in promoting Ontario in French-speaking countries. Most business from these countries, at this point, is done with the province of Quebec. Jean-Marc Lalonde is making sure that it is also good to do business in Ontario in French. Fantastique, Jean-Marc Lalonde. Quel honneur

fantastique et spectaculaire. Très bien, Jean-Marc Lalonde.

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REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Alvin Curling): I beg to inform the House that today the Clerk received the report on intended appointments, dated February 23, 2005, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

MOTIONS

COMMITTEE SITTINGS

Hon. David Caplan (Minister of Public Infrastructure Renewal): Mr. Speaker, I believe we have unanimous consent to put forward a motion without notice regarding committees.

The Speaker (Hon. Alvin Curling): Do we have consent for this motion to be moved by the member? Agreed.

Hon. Mr. Caplan: I move that, notwithstanding the order of the House dated June 17, 2004, the standing committee on general government may meet this week at the call of the Chair, and that standing order 74 be waived for the purposes of any such meeting.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

SANDRA LANG

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I believe we have unanimous consent to do a tribute to Sandra Lang.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent? Agreed.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): Mr. Speaker, colleagues, I rise today on behalf of the government to pay tribute to Sandra Lang, undoubtedly one of the finest professionals and one of the finest people to serve the province of Ontario.

Sandy passed away this week after a battle with brain cancer. Sandy was the first deputy minister for the new Ministry of Children and Youth Services, helping establish a ministry that would give children and youth the strongest voice in government that they ever had. This was the fourth ministry she served as deputy, the final brush strokes on a masterpiece career. Even though the job of deputy minister of children's services didn't exist

until after she retired, I know it was the job she dreamed about. So it wasn't hard to lure her back from retirement to build an organization that would support every child in Ontario, and I am very glad she did.

When it came to advocating for the rights of children and youth, Sandy would not settle for no. In fact, transferring youth justice—both phases—to the new children's ministry was a condition for her return. As everyone in this House knows, there are many battles to be waged in the course of developing new policies and shifting to new priorities. Sandy repeatedly told me to keep my focus on the children and she'd take care of the rest.

Most deputy ministers toil in relative anonymity. They're well-known here at Queen's Park and among certain organized stakeholders, but few people in the province know how much someone like Sandy has contributed to their lives. She simply got things done. We would often tease each other, in fact, on which one of us was the bold politician and which was the cautious bureaucrat.

Serving in the highest levels of civil service under NDP, Conservative and Liberal governments, Sandy delivered and implemented complex and often controversial policies. She engineered change. As Deputy Minister of Consumer and Business Services, Sandy led the process of modernizing the way government delivers services to the people and businesses of Ontario; as Deputy Minister of Health, she initiated restructuring of the ministry into a more consumer-oriented organization; and as Deputy Minister of Community and Social Services, she oversaw major reform in Ontario's welfare system.

Her greatest strength was that she embraced her team. She had a talent for surrounding herself with the best people, and as a skilled leader she was able to get the most creativity and the best performance out of those people. There was a saying among senior officials in the government: "Hide your good people. Sandy Lang is in the building."

When we established the first ministry in Ontario dedicated to children and youth, Sandy knew we would need top people, and she left us with an outstanding team. Those of us collectively entrusted with her legacy will work every day to bring that same commitment to excellence that Sandy embodied in her more than 25 years of public service.

Although she retired—again—in June, we called on her frequently for advice and planned to continue to look to her for her sage counsel. We will all miss her professionally, and we will most certainly miss her as a friend. As much as she was a strong leader, she was a warm friend. She was a wonderfully engaging person to find yourself in a conversation with. Her passion for golf and wine was legendary. She couldn't talk me into the former, but I was very lucky to taste her fine wines many times as we got initiatives through the process.

Her passion spoke to her natural tendency to be with people—talking, challenging, inspiring, but always welcoming.

We extend our warmest thoughts to Sandy's family: to her sisters and her nieces and nephews who were such an inspiration to her, and to her many family, friends and colleagues whose lives she so enriched.

I am grateful for having worked for her—with her. A Freudian slip, “for her”; you always felt you were working for her even when you were working with her, and it was a pleasure. I learned from her at what I believe was her professional peak. It certainly was mine. I am honoured to stand and recognize her outstanding career and friendship.

Mr. Robert W. Runciman (Leader of the Opposition): I want to offer a few comments with respect to Sandy Lang's life and passing. I will be sharing my party's time with the member from Lanark—Carleton and, if time permits, the member from Erie—Lincoln.

I have had the good fortune to serve in the cabinets of three different Premiers, and through that worked closely with a number of deputy ministers, all of them dedicated and competent people, but for me and many others, Sandy Lang stood out. She was the poster person for how a senior public servant should perform his or her job.

Sandy was not just an outstanding public servant; she was a wonderful, caring, fun-loving human being and, as the minister pointed out, one heck of a golfer. She taught me more than a few lessons in humility on the golf course. I always said it was because she used the women's tees, but of course she was just flat-out better—embarrassingly better.

I remember, when I was appointed Minister of Consumer and Commercial Relations, meeting Sandy and thinking, “This isn't going to be the most comfortable relationship”—no doubt she had similar thoughts—“this law-and-order Tory and this soft-spoken lady who specialized in the softer side of government,” but somehow we grew on each other and developed a friendship and respect for one another that lasted over the years.

Like so many others, I was devastated late last year when I was told that Sandy was terminally ill. Shortly after hearing that news, I said a few words about her and her health challenges during a debate in the House, and the very next day Sandy called to thank me. She also gave me some encouraging news: that her tumour had been recently deemed operable and that she now had at least a fighting chance to win this battle. But it wasn't to be. She did not win the battle, and that is a very difficult thing for all of us who cared so deeply for her to accept. It's one of those situations where death seems so unfair.

Sandy had worked so hard, given so much, and now, with retirement in her grasp, her hopes, dreams and plans were taken away.

To Sandy's partner, her family and friends, I want to express my deep sadness on her passing and convey the condolences of the Progressive Conservative caucus.

1400

Mr. Norman W. Sterling (Lanark—Carleton): I just want to associate myself with the remarks of both my colleagues to date. As you know, Sandra Lang served as my deputy at the Ministry of Consumer and Business

Services. I think that the most noteworthy part of her character was the ability to have everyone work with her to achieve the goal.

When I visited her wake on Monday afternoon, I was struck by the number of comments that I received from her friends, her nieces and her nephews about her decision to go back and head up the new children's services ministry. That was out of her drive and her love particularly for children and her focus on children.

We have said a lot of good things about her abilities in her job, but I think the most memorable part of Sandy's character that will live with me forever is that, in spite of very difficult tasks, it always seemed at the end of the day that it was fun to be with her, that there was no hostility left in the room and that everybody walked out feeling good regardless of the result. In some ways, that is a small picture of her life: that although we were sitting around talking and commiserating about her on Monday afternoon, the people in the room felt good about their relationship with Sandy and all she had done for our province, our children of our province and her many, many friends.

Mr. Tim Hudak (Erie—Lincoln): I wanted to add my thoughts and comments, as did my colleagues, on Sandy Lang and her passing. I had the pleasure of serving with Sandy Lang when I became the consumer and business services minister in the spring of 2002.

Members have talked about her dedication and passion for promoting Ontario wine. We saw her support for consumers in the province of Ontario. Among others, it was a pleasure to serve with her, and an honour. I also had the honour of being there upon her retirement, and I remember the room: the justifiable pride that people had in the work she had done here at Queen's Park, the sense of team she developed, the love for her that the people had who were gathered to see her off, and her excitement at the time ahead of her. Even in that short time, she returned to her true passion, as my colleague said: the dedication to vulnerable children and to youth.

It's tragic that her time in retirement was far too short, but I can say: an exemplary individual, a model deputy minister, and those of us who worked with her can just begin to understand how much she will be missed.

Mr. Gilles Bisson (Timmins—James Bay): I, too, as a member of the New Democratic caucus, want to share our condolences with her family and with, I would argue, the family of government that is responsible for doing all of the work that we decide to give them direction to when it comes to initiatives through this assembly and through cabinet.

It has been said that this particular individual is a person who had a passion for her work but, more importantly, had a love of life, and was able to marry those two things in a unique way. That says testimonies about her. We all know in this business that we, as politicians, and sometimes bureaucrats, take ourselves a little bit too seriously. I think Sandy understood, to a certain degree, that you need to be able to balance those two things off, because after all, we are all here, no matter what party we

are from or where in the civil service we find ourselves, for but one person, and that is the people whom we serve in this great province of Ontario, the citizens of this province. That's something that I think she remembered and brought with her all the way through her life.

I don't want to speak on the specifics of her time in the civil service. We understand as well as you, because she served as a deputy minister at the time we were in government, and I would be repeating what was said. But what needs to be said is this: a person like Sandy works all her life to do the best she can, and the best we can, to make this place—this province of ours, and this earth—a better place to live. You hope that you will be lucky enough in later life to enjoy your retirement, to enjoy the fruits of the labour of your life in putting forward whatever you did in whatever capacity. The very sad thing is that a person like this can be taken down, like many other people in this province, by a terrible disease called cancer.

We've seen it in our families, we've seen it in our group of friends and we've seen it in our communities. How many people in this province and across the world suffer from cancer? Some are lucky enough to be survivors, but from time to time, people are not lucky and succumb to this disease. It says to us, when we have a moment like this, to ask ourselves, "What can we do as human beings, not only in government but within the medical sciences and others, in order to do all that can be done to find cures and treatments for a disease like this, so that people like Sandy can keep contributing to life and enjoying life, rather than being in the situation we are now?"

To the family, we offer our condolences and we say thank you for the time she was with us. We'll miss her.

The Speaker: Those are wonderful tributes, and I hope we can share those with the family.

Mr. Bisson: On a point of order, Mr. Speaker: I want to recognize our good friends from the town of Moosonee who are here: the mayor and council. I want to welcome them to the Assembly.

I know I was supposed to see you, Speaker, but I didn't get a chance.

The Speaker: Not only should you come and see me, but that's not a point of order.

ORAL QUESTIONS

ELECTRICITY SUPPLY

Mr. Robert W. Runciman (Leader of the Opposition): I have a question for the Premier. As he well knows, it's difficult to ask questions, given what has preceded today, but it's our job to do that.

My question is with respect to something your energy minister announced earlier today, when he billed your new energy pricing scheme as good news for job-creating industrial users of energy. As of April 1, however, in-

dustrial power users such as Ontario's auto industry will be paying 12% more for power than they did last year.

When you were energy critic, if you can remember back that far, you said: "Rising electricity rates are making it difficult for us to both attract new businesses and keep our existing businesses here." Who are we to believe, Premier: your energy minister, who says a 12% increase in energy costs for job-creating industry is good news, or you? You are on the record as saying just the opposite.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know the Minister of Energy would like to speak to this.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): The member opposite has taken certain things a little bit out of context, and I'd like to put them into some context.

First of all, we didn't say "12%"; we said "between 8% and 12%," and that is compared to last year.

Interjection: And what happened last year?

Hon. Mr. Duncan: Yes, and what happened last year? Prices went down 19% last year, even though your party and members opposite argued that under our plan, prices would skyrocket by 30% to 40%. Prices went down 19% last year. Relative to the price of electricity for large consumers when we took office, it's 1.9% higher—lower than the price of inflation. Finally, that price is for three years of transition to allow them to develop.

I was pleased when Dofasco and Inco, the largest members of AMPCO, endorsed our policy today, saying it was prudent, responsible and sustainable—something that your party has no experience with.

The Speaker (Hon. Alvin Curling): I want to remind members that the Speaker is this way, if you could address the Speaker. I'm having difficulty finding out to whom they are addressing questions and answers.

1410

Mr. Runciman: Only a Liberal would suggest that an 8% to 12% increase is good news. If it is such good news, as the minister is suggesting here, I repeat a question asked by the third party earlier this week: Why are you hiding this announcement on federal budget day? If you're so proud of this, if this is such wonderful, great news for power consumers in the province, why is it being announced on federal budget day?

Hon. Mr. Duncan: First of all, we are standing in the Legislature. There are reporters there. There were about 40 reporters and cameras at my press conference. So there's absolutely nothing secret about this. These are difficult issues, there's no doubt, but unlike the previous government, we're tackling them. Unlike the previous government, in our first year of office we saw a 19% decrease in the wholesale price of electricity. Unlike the previous government, we are stemming a \$100-million-a-month hemorrhage from OPG that nearly bankrupted OPG. Unlike the previous government, we're not seeing cost overruns on nuclear reactors in the vicinity of 300% to 400%.

This government is taking prudent, responsible and sustainable decisions, decisions that have been endorsed

by groups as diverse as Dofasco and Inco. We're meeting the challenge head-on, cleaning up the unfortunate mess the leader's party left behind when they left office 14 months ago.

Mr. Runciman: We'll see how much page space these 40 reporters get. The reality is that this announcement is being made today, federal budget day, because this is not good news for people in Ontario; is not good news for job-creating industry in Ontario.

Minister, you've made a reckless promise to close all coal-fired plants by 2007. According to the IMO, as of 6 a.m. this morning, Ontario was relying on coal for 24% of our power production. There's not one shovel in the ground now to replace that energy. We know that border states are expanding their coal power production. Massive new plants are planned for Ohio and Colorado alone. According to the Ministry of the Environment, 50% of Ontario's smog originates in the United States. Closing Ontario's coal-fired plants will leave a gaping hole of 7,500 megawatts in our own energy production.

Minister, is it your plan to close our coal-fired plants and then replace the lost energy production by importing electricity from new coal-fired plants just across the border—and their smog too? Is that your plan?

Hon. Mr. Duncan: Again I have to respond and put all the facts on the table. Yes, this morning—it's a cold day in February—coal plants would be firing at about 24%. On average last year, coal consumption was 18%, down from 25% when you left office.

No shovel has gone in the ground because, in spite of what they promised on Lakeview, nothing had been done when we came to office. However, I inform the House that we are going to close Lakeview on schedule in April as the first step in achieving our coal goal. Second, this party and this Premier understand that the costs associated with coal, the cost to human lives as pointed out by the OMA; the cost to children in terms of asthma—childhood asthma levels are at an epidemic proportion—is unacceptable and something we have to address. Finally, I was pleased to hear last month that the state of New York is now looking at closing some of its coal plants. I don't want to imitate Ohio or West Virginia. We need a sustainable, greener policy that will keep the energy sector vibrant.

ATTORNEY GENERAL OF ONTARIO

Mr. Robert W. Runciman (Leader of the Opposition): Again I will be going to the Premier. Most Ontarians now know that your government has difficulty setting priorities and spending scarce tax dollars in the right places. Given your recent crying-poor efforts with the federal government, can you tell us if you were aware, and do you endorse, the two-week assignment of highly paid staff in the Ministry of the Attorney General to research the best way to create a Stanley Cup confiscation photo op for the wannabe Premier, your Attorney General? Did you know about and endorse this effort?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Let me just say off the top that,

no, I was not aware of this. But I can tell you that we are working as hard as we can and in as cost-effective a manner as we can. Just to remind Ontarians: The cabinet has taken a 25% pay cut, all MPPs have had their salaries frozen, and our most senior civil servants have also agreed to have their pay frozen. So I'm proud of the record that we've established so early on of working as hard as we can in a cost-effective way for the people of Ontario.

Mr. Runciman: Speaker, I hope you noted that the Premier didn't comment on whether he endorsed the activities of the Attorney General. I'm told, Premier, that the average salary of lawyers working for the Attorney General is \$120,000 a year. The Attorney General's personal aggrandizement effort, in just this one case, cost who knows how many thousands of taxpayers' dollars—this, when you're going cap in hand to the federal government pleading for additional money and when your Attorney General is closing down Canada's first and highly successful office for victims of crime. Your headline-obsessed Attorney General shows more interest in outlawing a breed of dog than outlawing the breed of violent criminals shooting up Toronto's streets. Premier, when will you take control and bring this Attorney General to heel?

Hon. Mr. McGuinty: Let me take the opportunity to remind the member opposite about some of the things that we have managed to do thus far in government. This Attorney General has created an elite gangs-and-gun-crime task force, made up of police and crown attorneys, to help combat crime, and it is working. He has appointed 29 judges and hired 50 new crown attorneys. He has managed to convince us to do the right thing and invest an additional \$1 million in funding for the OPP's child pornography unit. He has introduced legislation on the mandatory reporting of gunshot wounds in hospitals.

Those are some of the things that our Attorney General has done, and I'm sure that he has a lengthy agenda of other things that he wishes to do. I'm sure that the member opposite is going to want to support us as we work together to make the streets of Ontario safer for all Ontarians.

Mr. Runciman: He also just spent thousands of tax dollars behind the Premier's back, and apparently that's OK. Premier, you just don't get it. Public safety is not about getting your Attorney General's mug on the front page of the Toronto Star, and it's not about positioning himself for your job. Public safety is not enhanced when your Attorney General takes attorneys away from prosecuting violent criminals and orders them to research how he can confiscate the Stanley Cup. Public safety is not enhanced when your Attorney General closes down the office for victims of crime. Public safety is not enhanced with your government's refusal to take on the federal government for tougher penalties for gun use.

Premier, the pattern is clear. Your Attorney General has proved himself more interested in promoting himself than in protecting Ontarians. Will you take steps to enhance public safety by directing your Attorney General

to make prosecuting criminals, not self-promotion, his top priority?

Hon. Mr. McGuinty: The only conclusion I can draw is that the member opposite wasn't listening. This Attorney General has provided us with more judges, more crown attorneys, an elite guns-and-gangs task force, more money for the OPP to crack down on child pornography, new legislation to deal with the mandatory reporting of gunshot wounds, and the list goes on. That is the record of this Attorney General. I'm proud of the efforts he is making on behalf of this government, but still more proud of the efforts he's making on behalf of all Ontarians to ensure that they can enjoy safe streets.

1420

HYDRO RATES

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, Ontario industries, businesses, workers and families are counting on your government to come up with a plan for Ontario's hydroelectricity system.

Today, they thought they were going to hear that plan. What they heard instead was a one-year patch job, an indication that your government doesn't have a plan. In fact, roadside hucksters offer better guarantees on used cars than your government is offering Ontarians in terms of a hydroelectricity policy.

Premier, instead of making it up on the back of an envelope one year at a time, will you tell Ontario workers, industries and families what your plan is for Ontario's hydroelectricity system?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Energy.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Our plan is to undo the mess that the NDP and Conservative governments left in the hydroelectric system over the last 14 years.

Last year we introduced Bill 4. The member opposite voted against having a cap on the price of electricity, and then he voted against taking it off. That's no plan. Then we brought in Bill 100. We sent Bill 100, I remind the member, out to public hearings across the province. We had more than 150 delegations make presentations, and it was endorsed by all the large industry participants in the energy sector. That policy is starting to take hold.

Early last year, the member said, "Prices for electricity this year will go up 30% to 40%." They went down 19%. The member opposite wouldn't know a plan if he saw it. It's no wonder he can't see our plan. Our plan is stable, reliable and predictable, with greener electricity for all Ontarians.

Mr. Hampton: I think I know why the government tried to hide this announcement on Paul Martin's budget day. What became perfectly clear is that everything the Premier and the Minister of Energy have been saying since Bill 100 and before was suddenly reversed today. When major power consumers came before you and before the committee and said that the McGuinty hydroelectricity strategy was going to drive up industrial prices

by 30% to 53%, you said no. But they've shown you that that is in fact going to happen, and what you did today was slam on the brakes for a year. The question is—and I know the Premier doesn't want to answer it—where's the plan? Simply telling people that you're going to postpone something for a year is not a plan. Where's the plan for Ontario's hydroelectricity system?

Hon. Mr. Duncan: Like I say, that member wouldn't recognize a plan if he saw one because of the mess they left hydro in. Again, I ask the member opposite, is he happy or unhappy with what we've done today? I know that the plan we laid out in Bill 100 is being implemented today. I know that we have taken an honest, responsible position with respect to pricing. Interestingly enough, the leader of the third party has been critical about us for doing this announcement in the House when the federal budget's sitting. Do you know what happened on New Year's Eve—

Interjections.

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): I want to hear that story.

The Speaker (Hon. Alvin Curling): Order. I would like to hear it too, if you would just direct your response to the Speaker.

Hon. Mr. Duncan: Mr. Speaker, the government Mr. Hampton was a member of announced price increases on New Year's Eve 1991, New Year's Eve 1992 and New Year's Eve 1993.

Finally, let me address this directly: The modest increases in prices that consumers have seen under this administration—indeed, a 19% decrease last year—pale in comparison to the 43% New Year's present that—

The Speaker: Thank you. Final supplementary.

Mr. Hampton: I'd like to read what a certain Liberal energy critic said after one of those price increases. He said, "First of all, let's be perfectly clear about Darlington. I am prepared to acknowledge that the impact Darlington is having on rates is something that is completely beyond your control." Who said that? Dalton McGuinty. Dalton McGuinty said that.

Minister, this is about a plan. You know that there are five or six paper mills in northern Ontario that are being reviewed from the perspective of whether or not companies are going to close them. You know that there are thousands of jobs here at risk. You know that the mining industry has come to you and said that there is a problem in terms of hydro rates. All we're asking the McGuinty government is, what's the plan? If you think that saying, "We're going to postpone any plan for a year," is going to do anything, you're sadly mistaken. Tell workers, tell industry, tell business: What's the McGuinty plan for our hydro system?

Hon. Mr. Duncan: That plan is outlined clearly in Bill 100 and implemented today. I'll remind the member that we also announced the appointment of an industrial cogeneration facilitator to deal specifically with pulp and paper.

Let me ask this question: I wonder about Field Lumber, a sawmill that closed in 1991, 25 employees;

Odorizzi Lumber, Golden Valley, 1991, 30 employees; Abitibi-Price, Thunder Bay, 140 employees, 1992; Custom Sawmill, Hearst, 200 employees, 1992. The member opposite said that no mills closed; 14 mills closed under their watch.

This government is responding. This is what the member said at the time that Abitibi closed. Here's what Howard Hampton said: "My understanding is that about 112 jobs will go." We wouldn't take that approach. We've appointed someone today who's going to help us deal with that industry in a way that you didn't. Fourteen mills closed on your watch, hundreds of employees lost their jobs, and we're working hard to avoid that.

MUNICIPAL FINANCES

Mr. Howard Hampton (Kenora-Rainy River): A question for the Premier: We've heard about the one-year patch on hydroelectricity; I want to ask the Premier about another patch job. The Premier would know that northern Ontario municipalities, rural Ontario municipalities, have been very critical of your government's failure to pay your bills. Municipalities have to pick up your costs for land ambulance, rural policing, seniors' housing, social housing, child care and social assistance, and you haven't been covering your share of the bills. You've been forcing hard-pressed municipalities to raise their property taxes by 10% or 11% because the McGuinty government won't pay its bills.

Premier, what are you going to do for these municipalities? Are you going to pay your bills, or are you going to offer them a one-year patch job as well?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Municipal Affairs.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Yes, you are correct that we had some very good meetings at the ROMA good roads conference at the Royal York these past three days. As a matter of fact, the Premier spoke to them today. It was extremely well-received.

I think the people of Ontario should know that we've set aside \$200 million in order to reconcile the 2003 reconciliation with respect to the CRF funding. As the Premier stated this morning, he is more than prepared to have our government and cabinet take a look at the other matters that they've brought up to see what, if anything, could be done about that particular issue.

Mr. Hampton: The minister tried this answer down at the ROMA convention, and he was booed off the stage. They told the minister to get lost.

You're talking about reconciliation; the only reconciliation you're talking about is for the year 2003. You still haven't dealt with the year 2004. If you were a tenant in Ontario, they would've kicked you out for failure to pay your bills.

What's the plan of the McGuinty government? Are you going to pay your bills to municipalities, or are you going to force them to increase property taxes by 9%, 10% and 11%? What's the plan?

Hon. Mr. Gerretsen: It's quite obvious that the member doesn't understand the problem. The 2003 reconciliation—

Interjections.

1430

The Speaker (Hon. Alvin Curling): Order. The member from Erie-Lincoln, come to order. Minister?

Hon. Mr. Gerretsen: What the member doesn't understand is that the reconciliation for the year 2003 would only be done at this time, once the 2004 numbers are known, in exactly the same way that any further reconciliation for 2004 would be done next year. That's the way it has always worked. If there's any criticism of the system at all, it's that government down there that downloaded more services on local municipalities—

Interjections.

The Speaker: Order.

Mr. Hampton: The minister says we don't understand. I understand the press release from the eastern Ontario municipalities, "Province Can't Fast-Talk Its Way out of Bill" and the press release from AMO, "Plan to Replace the \$650 Million Community Reinvestment Fund Appears to Leave Province's Bill Unpaid in 2004."

You've heard of deadbeat dads; this is a deadbeat government. You want municipalities to pay your bills. Social assistance, land ambulance, seniors' housing, child care, all those things that the Premier goes around the province making speeches about—you want the municipalities to pay your bill. You want to force them to increase their property taxes by 10%, 11% and 12% to pay your bill.

Stop trying to be a deadbeat. Pay your bill. Tell the municipalities—

The Speaker: Order. As I've stated before, I'd like questions to be directed to the Speaker rather than having a talk across the hall. Minister?

Hon. Mr. Gerretsen: First of all, this government is extremely proud of the very positive relationship that we've built up with our municipalities across this province, something that that government over there tried to destroy for the last eight years—and, quite frankly, were quite successful at it.

The commitment that was given by the Premier this morning was that we would once again take a look at these two years and that, if there are any outstanding bills to be paid, they would be paid to the municipalities.

The Speaker: Final supplementary?

Interjections.

The Speaker: You had your final supplementary. Maybe I took those questions as being discussions across, because you weren't directing the questions to the Speaker.

New question.

Mr. Tim Hudak (Erie-Lincoln): Back to the Minister of Municipal Affairs and Housing, who must have been at a totally different ROMA meeting than I was at yesterday. It was the farthest thing from a love-in.

Following the comments by the member from Kenora-Rainy River, the minister indicated that \$90 million of the \$200 million is for 2003 reconciliation costs.

The remaining \$110 million, Minister: Is that for 2004 reconciliation, or is it more, or is it less?

Hon. Mr. Gerretsen: The member is quite correct that the conference yesterday afternoon was quite successful. Ten of my cabinet colleagues joined me there, and the answers they gave to the questions were extremely well-received.

There is a concern about the reconciliation, no question about it. He's quite correct, as well, that about \$90 million is estimated to be the amount for the 2003 reconciliation and, quite frankly, nobody will know how much it is for the 2004 reconciliation until the numbers for last year actually come in. We'll take a look at it. That commitment has been given. We want to make sure that this government will continue to enjoy the excellent relationship that we have with our partners in the municipal world.

The Speaker: Supplementary? The member from Renfrew-Nipissing-Pembroke.

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): Clearly, if the minister feels that was a good reception yesterday, it only confirms what the members of the Eastern Ontario Wardens' Caucus have been saying: that this government just doesn't seem to listen. Perhaps they just can't hear what is being said.

It did not go over very well at ROMA yesterday. What they've offered is a band-aid solution that will not address the needs of municipalities in this province. They're missing a year. I would ask the minister now to admit that what they offered yesterday is a failure. It is a broken promise when they promised they would guarantee stable, long-term funding to municipalities in their election platform.

Will they admit that that is a failure, that they have broken their promise, and commit to paying the bills to municipalities in this province and in my riding of Renfrew-Nipissing-Pembroke where Warden Bob Sweet has been so articulate in getting that message across to you? Pay them today.

Hon. Mr. Gerretsen: As an indication of the tremendous relationship we've developed with AMO, this Legislature is going to endorse, hopefully in the near future, the concept of permanent dialogue between AMO on the MOU. The other thing the member should understand is that right now there are great discrepancies with respect to the reconciliation, and that is something that was totally and completely caused by the former government. The new system, which is fair to every municipality concerned—we're working that out with them and we're discussing it with AMO on an ongoing basis. I know that at the end of the day we will end up with a much fairer system, not only for the municipalities but for the people of Ontario.

CHILD CARE

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Children and Youth Services. Minister, today could actually be a good day for the child care community if your federal Liberal cousins decide to

make the announcement on child care funding and also ensure that it's going to be a not-for-profit system across the country. Not-for-profit child care, as you know, is affordable for families and provides better-quality care. I know you know this. I know you've seen the studies. I know the evidence is in and I'm sure, being an on-top-of-things minister, you know that those studies indicate non-profit is best. Last Thursday I asked you particularly to commit that all new child care spaces in the province will be not-for-profit regulated spaces that the families of Ontario can afford. You refused to give me those assurances last Thursday. Why?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I am looking forward to the federal budget. It seems the federal government will actually honour their commitment for child care monies, and I look forward to working with Minister Dryden on Ontario's fair share.

With respect to the honourable member's question, we never said that we would only fund not-for-profit. We have found that quality indicators are more important. We have agreed to this on a Canada-wide basis; all of the provinces agreed. Yes, one province in particular would have preferred not-for-profit, and they are free to do that in their province. Quebec also funds for-profit and not-for-profit, a model that is much touted by your party and by others as being the leaders in the country. What is important here is that quality indicators are in place, that a college of ECE, of educators, is in place to ensure that the training is appropriate for teaching our kids. That is what we are committing to, and I'm very proud of our Best Start model, which will fulfill this end.

Ms. Horwath: It's interesting that the minister talks about quality when the studies I've referred to indicate the best quality is found in the not-for-profit model. Nonetheless, New Democrats are not the only ones concerned about Ontario opening the child care system to big box, corporate daycare situations where they siphon off the profits to go into shareholders' pockets. The Ontario Coalition for Better Child Care and the Ontario Federation of Labour are out on a joint project across the province right now. They're holding hearings in community after community. They, too, are very troubled about the direction this government is going. Citizens across the province, in London, Dryden, Windsor, Thunder Bay, Waterloo, St. Catharines, community after community, are going to be talking to them about this concern. These extensive consultations are happening because too many families right now are on waiting lists for not-for-profit care.

The Speaker (Hon. Alvin Curling): Question.

Ms. Horwath: Will you reassure them, Minister, that today you will commit that all new child care spaces in the province of Ontario will be not-for-profit, because that's what is best in quality and that's what prevents the money going into the pockets of the—

The Speaker: Minister.

Hon. Mrs. Bountrogianni: I agree with the honourable member that there are kids on waiting lists. Child

care has been ignored for many years. I will assure the honourable member that we will have quality, regulated spaces in place with our Best Start plan. I will also assure the member opposite that most of our spaces in phase one will be wraparound child care spaces in junior kindergarten and senior kindergarten classrooms. At present, of all those who are in schools, 95% of them are not-for-profit. We don't anticipate this trend to change. But as Minister Dryden has asked all of us to monitor this particular situation, we will do so.

1440

FOOD SAFETY

Mr. Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Agriculture. Food safety is very important in my riding, and no less so among livestock producers. They are proud of the high-quality meat that they produce. Minister, last week you made an announcement regarding the meat processing system in Ontario. How will these changes improve meat safety in Ontario?

Hon. Steve Peters (Minister of Agriculture and Food): For starters, we proclaimed the Food Safety and Quality Act. The previous government sat on it for over two years and did not proclaim that legislation. We brought that forward. This new regulation is going to ensure that we have stronger, broader-reaching rules in this province. But more importantly, our rules and regulations are going to be harmonized with the federal government, and processors are going to be licensed and more regularly inspected in this province.

In the report that we commissioned, Justice Haines made 113 recommendations for meat safety in Ontario. We are moving forward on Justice Haines's recommendations. Justice Haines made it very clear: We have a good food safety system in this province but we have an opportunity to make it a world-class system. Food safety is a priority for this government and we are going to move to that world-class system.

Mr. Hoy: There may be those who believe the new regulation will mean that small businesses that process meat in rural communities will go out of business. What do you say to those who may fear that local butcher shops could close?

Hon. Mr. Peters: One of the things that we recognize as a government is that as you move forward with new regulations, there is an onus on government to assist in the period of transition. We are working very closely with the Ontario independent meat processors to implement these new regulations on small-, medium- and large-sized further meat processors and abattoirs in this province. We've also come to the table with money. We have \$25 million that is available over the next three years to assist these small, medium and large operations to meet these new standards.

As to the question of butchers, butchers traditionally receive their cuts of meat either from a further processor or an abattoir. Butchers will continue to be inspected by public health units in this province.

The ultimate goal of what we're doing and moving forward here is consumer confidence. Consumer confidence is key. It is key to ensure that we have safe, high-quality food in this province. That confidence in our meat system ultimately comes down to the level of the farmer, so the consumer knows that the farmers of Ontario do produce the highest-quality, safest food.

FOREST INDUSTRY

Mr. Gilles Bisson (Timmins-James Bay): My question is to the Minister of Natural Resources. You will know that yesterday mayors from across northeastern Ontario and other aldermen came to Queen's Park in order to speak out at a press conference about your decision to allow Tembec and Domtar to transfer wood from mills like Opatatika into the community of Hearst. They are speaking in one voice. They're saying that they want you to stop the transfer of wood, that the wood should stay with the communities in order to give those communities an opportunity to find somebody else who is prepared to operate a mill in their community, so they can keep those jobs for their people in the community where they belong.

My question is a simple one: Are you prepared to take the advice of the mayors of northeastern Ontario and reverse your decision and keep the wood in those affected communities?

Hon. David Ramsay (Minister of Natural Resources): I'm afraid the member—through lots of dialogue last week, through a late show and other questions—fails to accept the facts. The fact is, there was no decision. As I said to you, your minister in your government, Bud Wildman, set up a timber licence, under your new act, for Spruce Falls. At that time, Spruce Falls delivered wood to the Opatatika mill and to the Kapuskasing mill. Now that the company has closed Opatatika, they are free to deliver their wood to their other mill. I have no decision to make. It is not in my hands. It was a decision solely of the company.

Mr. Bisson: First of all, I disagree with you, and so does Bud Wildman and so do the people who drafted the act. On December 31 of this year, you signed the authorization for those companies to transfer the wood.

The mayors and others across northeastern Ontario are hopping mad, so mad that Mayor J.C. Caron, who is a moderate in northeastern Ontario, came to Queen's Park and said you should resign if you're not prepared to do it. My question to you is, if you're not going to do the right thing, will you at least do what J.C. has suggested and resign?

Hon. Mr. Ramsay: Again the member is confusing the two consolidations that happened at around the same time. When Domtar and Tembec switched and consolidated their operations, as you know, in both Elk Lake and Kenogami, and also in the town of Chapleau, then required me to make a change of direction of the wood flow, and I did that. But when it came to Opatatika, it's a completely different situation. It had nothing to do with

me at all. It was a decision by the company, and I wish the member would understand that.

PROPERTY TAXATION

Ms. Kathleen O. Wynne (Don Valley West): My question is for the Minister of Finance. Minister, the accuracy and fairness of property assessments are a major concern for many of my constituents, and for yours, I know. I get a lot of calls about the functioning of the Municipal Property Assessment Corp., or MPAC.

Under current value assessment, municipal taxes are a function of three things: property assessment, the classification of property, and the tax rates set by the local government. The provincial government, as the overseer of property assessments, has an important role in the process. Minister, what steps have you taken to ensure that MPAC has every opportunity to deliver fair and accurate assessments to my constituents and to ratepayers across the province?

Hon. Greg Sorbara (Minister of Finance): I want to thank my friend from Don Valley West for the question. It's an important one because of course MPAC, or the Municipal Property Assessment Corp., is the largest assessment jurisdiction in Canada. It's responsible for assessing some 4.3 million properties every year.

When we came to power, we heard serious concerns about the quality of the work done by MPAC. We've made a number of changes. One of the concerns we heard was that there was not enough time between the delivery of the assessment and the finalization of the assessment, so individual property owners didn't have the time to appeal their assessment or to otherwise evaluate whether or not it was fair. We changed the assessment cycle by adding six months to it, so that now assessments are done as of January 1, giving ratepayers some six additional months to consider the validity of the assessment.

Ms. Wynne: I'm sure that those timeline improvements and the other work you've done will ensure a smoother process. I trust that you'll continue to work with MPAC to ensure that that process is refined. But many of my constituents have a specific concern about the service they receive from MPAC when they believe that there's a problem with their property assessment. In past years, they've had difficulty connecting with MPAC representatives to discuss their concerns and difficulty getting the information they need, and they've found that the review and appeals process is very confusing.

Minister, will you update the House on the steps you've taken to improve customer service at MPAC, and will you commit to work to make the process simpler, clearer and more customer-friendly for my constituents and for ratepayers across the province?

Hon. Mr. Sorbara: Actually, we're well on our way down that road. Early on, within months of taking office, we appointed seven new directors to the board of MPAC to bring new energy to the leadership. But that really doesn't impact directly on customer service, and I know

that my friend from Don Valley West is particularly interested in customer service.

We extended the call centre hours. I wish I could say, "Call the number on the screen," but we don't have that quite yet. So longer call centre hours, and we're simplifying the requests for reconsideration. If a property owner thinks the assessment is unfair, the process to get a reconsideration is much simpler. I should mention as well that we're improving the on-line tracking and follow-up systems so we can hasten the reviews that are requested and give responses in a timely fashion.

1450

SCHOOL TRANSPORTATION FUNDING

Mr. John R. Baird (Nepean-Carleton): I have a question for the Premier of Ontario. I know that he's someone who cares about Ottawa. I have a bet with my friend Sterling here that he isn't going to pass the buck, that he's going to take this question himself.

Premier, the Ottawa-Carleton Catholic School Board is one of the best-run school boards in Ontario; it's perhaps one of the best-run school boards in the whole country. They do a phenomenal job of educating children in Nepean-Carleton, and they do a phenomenal job of educating children in Ottawa South.

Premier, your government is proposing a 45% cut to the student transportation budget of this school board. I'd like you to stand in your place and join me, join thousands of teachers and parents and students and the member for Lanark-Carleton, and say you will oppose this 45% cut that your own government is trial-ballooning. Will you join us, Premier?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Education would like to speak to this.

Hon. Gerard Kennedy (Minister of Education): The question raised by the member of course has to be taken advisedly, and I think the people with children in schools in the Ottawa Catholic—

Interjections.

The Speaker (Hon. Alvin Curling): Order. Minister of Education.

Hon. Mr. Kennedy: What I have to say is that no matter how much remuneration was given for this question, which we all observed was too much, it's fundamentally in error, the idea that somehow there is a cut being made to the Ottawa school board. In fact, we increased the funding to the Ottawa-Carleton Catholic School Board, as we did with every single school board across the province.

Furthermore, what we have to say to the parents of the Ottawa school board is the same thing we say—

The Speaker: Order. Minister, I'm over on this side. Could you address your comments to me.

Hon. Mr. Kennedy: Mr. Speaker, thank you very much. The Ottawa-Carleton parents and the board itself know very well that what we are offering is an assurance, for the first time, that we're going to have a fair funding

system. Rather than hiding it away and springing it on people and have it happen in a way that would be haphazard, we so much wanted to have the peace and stability that we put out a model there, one in which some of the Ottawa boards participated in developing. It has been out there for improvement, because unlike some of the governments of the past, we freely admit that we can benefit from consulting the community. Further to that, I will be meeting shortly with the Ottawa Catholic school board—

The Speaker: Thank you. The member for Lanark–Carleton.

Mr. Norman W. Sterling (Lanark–Carleton): The minister is leaving the impression that he is giving more money for transportation to the Ottawa–Carleton Catholic School Board. I know that last year the board received \$21 million for transportation. Will the minister say to me today that he is giving \$21 million-plus to the Ottawa–Carleton Catholic School Board this year and that's his real answer, that he is giving them more than \$21 million this year for transportation?

Hon. Mr. Kennedy: I'm sorry to find out that some of the perplexity in the opposition caucus is catching, because obviously they do not understand. The Ottawa–Carleton school board received additional dollars this year, as did every school board in the province.

Mr. Baird: For transportation?

Hon. Mr. Kennedy: For transportation, exactly, and in fact their increases ranged from 2% to 12% everywhere, all across the province.

More constructive people, trustees from the Ottawa board, have been in to speak to Ottawa members and the Premier. I will be sitting down with the board and with the parents, and we will be making sure that they understand well. There is a guarantee, one that could not be given under the previous governments, that there will be a fair and equitable transportation system, and we will make sure that that applies equally to Ottawa–Carleton Catholic students being transported, as it does to students in any other board across the province.

PIKANGIKUM FIRST NATION

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. Premier, under your government, the Ministry of Natural Resources and the Ministry of Northern Development and Mines are busy working on a strategy to push mining and logging activity into the far north, north of the 51st parallel. For example, your government is negotiating the Whitefeather Forest with the Pikangikum First Nation, north of Red Lake. You want the forestry industry to have access to valuable timber. The First Nation understands that. The question that Pikangikum has for you is: Is your government prepared to pay for the eight kilometres of all-weather road so that people from the First Nation will be able to participate in the forestry activity, to have jobs and to earn an income? If they don't have a road built, they are shut out. Will you help them pay for the eight

kilometres of all-weather road so they can participate too?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Minister of Natural Resources.

Hon. David Ramsay (Minister of Natural Resources): As the member probably knows, I had the pleasure of visiting Pikangikum and seeing the tremendous program we have with them, which we call the Northern Boreal Initiative. This is an initiative where we fund what we call capacity building with the First Nations up there. Pikangikum is the leader of all the First Nations in Ontario in capacity building.

What's unique about this is that the elders are driving this land use planning, which is a precursor to economic development. What you see is the young people on the reserve doing the computerized mapping, all the GIS mapping, as they start to move toward the land use planning that will lead to economic development. Part of that is deciding where roads and access will be developed. Of course, with that will be the partnership with the federal government, which has prime responsibility for infrastructure such as roads and hydro lines, and of course the Ontario government. We're pleased to always be there as a partner with them.

Mr. Hampton: So far, Minister, your government isn't there. The reality is, this is a First Nation that has worked co-operatively with your government. They are not opposed to mining development; they're not opposed to forestry development. In fact, they want to participate. They want to know that their people are going to have some of the jobs, that their people are going to be able to work. But they won't be able to do that if an all-weather road isn't built for eight kilometres into the community. Mining can happen, logging can happen and they will be shut out.

I ask you again: Is your government prepared to pay for the eight kilometres of all-weather road which will be necessary if the people of Pikangikum are going to be able to participate in the forestry development and the mining development that your government wants to see happen? Are you going to help pay for it or not?

Hon. Mr. Ramsay: I would say to the member that once this government sees a proposal from the First Nation, we will be prepared to work in partnership with the First Nation in trying to find a way to make this happen. I will work with my colleague Rick Bartolucci, the Minister of Northern Development and Mines, and my colleague the Attorney General, who is in charge of aboriginal affairs in this province, in that continued partnership we have to make sure we see economic development north of 51.

SCHOOL SAFETY

Mr. Shafiq Qaadri (Etobicoke North): My question is for the Minister of Education. It seems that hardly a week goes by without a story about the Safe Schools Act. This Tory legislation was intended to keep our kids safe,

but in classrooms around Ontario this legislation hurts many whom it was supposed to protect.

Many critics believe that the Safe Schools Act unfairly punishes children with special needs. Children with special needs are among the most vulnerable in our society. They must be treated fairly, which was not the case under the previous government. If the Safe Schools Act is targeting kids with special needs, it should be changed.

Would you be able to inform this House what is being done to ensure that the Safe Schools Act treats these and other children fairly?

Hon. Gerard Kennedy (Minister of Education): We certainly accept the responsibility of finishing the job that simply wasn't finished by the previous government. The Safe Schools Act is a piece of legislation, but what really matters is the safety of schools and the safety of the students and staff within them, which I think everybody would agree is a precondition to learning. You can't have success until you are able to assure parents that that exists.

In pursuit of that, we have appointed a safe schools action team, and they have been active since December. Today there was a conference of about 500 people from around the province working on various elements of safe schools. The Safe Schools Act itself, we announced today, will have a reference group drawn from all across the province so that we make sure that safety is not a slogan, not a piece of legislation, but that we know how it's working in practice. That includes what the Human Rights Commissioner has asked us to take into account, which is the unintended effects it may be having on certain parts of the school population as well as some allegations that have been made that certain student groups are being singled out. Those are all things that any responsible provincial government needs to take into account, and we will be doing that through the safe schools action team's work.

1500

Mr. Qaadri: I know that the parents in my own riding of Etobicoke North will particularly be looking forward to hearing the action team's findings. When will the action team report to the government, and when will you implement those recommendations?

Hon. Mr. Kennedy: We are working on a plan right now that includes actions to make sure that we have, for example, intruder devices in our elementary schools that are not adequately protected and that we have anti-bullying programs in every school. Immediately after that, we are going to be holding public consultations on the Safe Schools Act. I would expect a report from the safe schools action team on the Safe Schools Act portion sometime around the fall of this year.

MUSKOKA WHARF PROJECT

Mr. Norm Miller (Parry Sound-Muskoka): My question is for the Premier. The town of Gravenhurst feels like it's being shafted by your government. It says

that the current government has been less than honourable. Five million dollars was committed by the Ontario government to their major economic development project, the Muskoka wharf project. Now your government has cut the funding in half.

Premier, this is not for somebody else; this is for you. Do you remember discussing this issue with the mayor of Gravenhurst, John Klinck? Do you remember that?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Northern Development and Mines.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): In response to the member: He will know full well that he received documentation. He attended a meeting that we arranged with the Northern Ontario Heritage Fund Corp. staff. The requests for reapplication were explained to him. They were confirmed in writing. The member knows full well why that application was re-evaluated. The other funding partners decreased the amount of funding they gave to that project as well.

Mr. Miller: The town of Gravenhurst feels like it is being shafted, and it is being shafted. Premier, I'd like you to answer this question. I'd like to quote from the Gravenhurst Banner this past week.

"In attempting to address the issue, Klinck spoke to Premier Dalton McGuinty at Queen's Park and left with a personal assurance from McGuinty that he would look into the issue. 'I'm sitting, waiting to see what he does,' Klinck said. 'I will be terribly disappointed if I don't hear back from him quickly.'"

Premier, you spoke with the mayor over a month ago. There's a comic in last week's newspaper showing the mayor with a long beard, waiting for your call. Can you tell me how you're going to assist the town of Gravenhurst, and when will you give the mayor your response? At least you can give him the courtesy of a response.

Hon. Mr. Bartolucci: The member will further know that when we removed the designation from Muskoka with regard to being in northern Ontario, there were financial opportunities that helped with the transition. So we are meeting our responsibilities.

It is very, very interesting, because the member talks about the Gravenhurst issue as one issue in isolation. The reality is that he is very, very upset with the designation of northern Ontario as we defined it in our last budget.

Mr. Cameron Jackson (Burlington): The Premier lied to the mayor.

Hon. Mr. Bartolucci: But his own leader, John Tory, visiting Muskoka, said, "It would be wrong for me to"—

Interjections.

The Speaker (Hon. Alvin Curling): Order. The member for Burlington—

Interjection.

The Speaker: Order. I don't need a debate. I ask you to withdraw your comment.

Mr. Jackson: I did not lie to the mayor. I withdraw.

The Speaker: When I ask for a withdrawal in the House, I just need one word in that respect. I want you to stand up and let me hear it.

Mr. Jackson: I withdraw. That's two words.

Hon. Mr. Bartolucci: In conclusion to the answer, I have to quote from John Tory, when he visited Muskoka and said, "It would be wrong for me to sit here and say that I am going to bring it back." John Tory believes that Muskoka belongs in central Ontario. He agrees with us with regard to the designation of northern Ontario.

HIGHWAY 406

Mr. Peter Kormos (Niagara Centre): To the Minister of Transportation: The four-laning and extension of the southern part of Highway 406 is critical to planning and development in Niagara region. When is that work going to proceed?

Hon. Harinder S. Takhar (Minister of Transportation): The design work is almost complete for the widening of Highway 406 in Thorold from Beaverdams Road to Port Robinson Road. This work includes about five or six kilometres of widening to four lanes. We are moving ahead with it, because the design work is already complete.

Mr. Kormos: Minister, we know the planning has been well underway and is substantially complete. You know that four-laning the southern part of 406 and extending it down to Highway 3 is critical to move development up onto the clay belt, away from tender fruit land. Can you tell the folks in Niagara what time frame the ministry will be operating under to get this important work completed?

Hon. Mr. Takhar: As I said before, we realize the importance of this project to our province. The design work is complete, and the ministry is working on this project. We will move ahead as soon and as quickly as possible.

COMMUNITY USE OF SCHOOLS

Mr. Phil McNeely (Ottawa-Orléans): My question is to the Minister of Tourism and Recreation. There was an announcement of a community-use-of-schools agreement with the Ottawa-Carleton District School Board. Can you tell the members of the Legislature here today about this important agreement?

Hon. James J. Bradley (Minister of Tourism and Recreation): The member will recall that the Premier identified a problem that existed in our schools as a result of the previous government's changing the funding formula. School boards were forced to charge very high prices for the use of their schools to non-profit groups and had to confine the number of hours. So the Premier instructed the Minister of Education and me to come up with a program, called community use of schools, where \$20 million was flowed through the Ministry of Education to school boards so they would have an opportunity to make significant changes by drastically reducing

the cost of the use of those public schools, already paid for by the people of this province, and expanding the number of hours available in places such as Scarborough and Ottawa, and right across the province.

This program has been highly successful, and very much appreciated by the communities in which we reside. My good friend Frank Klees, I know, is in favour of this as well. But the—

The Speaker (Hon. Alvin Curling): Thank you. That brings us to the end of question period.

PETITIONS

CHIROPRACTIC SERVICES

Mr. Norman W. Sterling (Lanark-Carleton): "Whereas the elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Whereas those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Whereas the elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment, at a cost to government of over \$200 million in other health care costs; and

"Whereas there was no consultation with the public on the decision to delist chiropractic services;

"We, the undersigned," some 2,000, "petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system," the residents of Lanark county, "government and the province."

I've signed that, Mr. Speaker.

1510

HEALTH CARE SERVICES

Mr. John O'Toole (Durham): It's my pleasure to introduce a petition on behalf of my riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services; and

"Whereas abandoning support for these services will place greater demands on other health care sectors such as physicians, emergency wards and after-hours clinics; and

"Whereas no Ontario citizen should be denied access to necessary medical care because of a lack of funds;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore"—at once—"the

funding for these important and necessary health services.”

I’m pleased to present this petition to Michael from Stoney Creek, formerly Brad Clark’s riding.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe–Grey): “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I agree with this petition, Mr. Speaker.

ABORTION

Mr. Gerry Martiniuk (Cambridge): I’m pleased to present a petition from hundreds of good citizens of Cambridge, addressed to the Legislative Assembly of Ontario:

“Whereas 68% of Ontarians do not support the funding of abortion on demand in our province; and

“Whereas 30 million health dollars are spent annually on abortion on demand; and

“Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

“Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

“Whereas the vast majority of abortions are done for reasons of convenience or finance; and

“Whereas the province has the exclusive jurisdiction to determine what services will be insured; and

“Whereas the Canada Health Act does not require funding for elective procedures; and

“Whereas there is mounting evidence that abortion is in fact hazardous to women’s health; and

“Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario.”

I’m pleased to sign this petition, as required by the standing orders.

CONTROL OF SMOKING

Mr. Tim Hudak (Erie–Lincoln): I’m pleased to present a petition sent to me by Paula Kaye Enterprises—the Windjammer, in Port Colborne, Ontario. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke, and

“Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

“Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Permit properly ventilated and separate designated smoking rooms and hospitality establishments that regulate and control employee and customer exposure to second-hand smoke.”

My signature, as well, is on the petition.

VOLUNTEER FIREFIGHTERS

Mr. John O’Toole (Durham): I’m very pleased to have a number of petitions to present on behalf of my constituents in the riding of Durham.

“To the Legislative Assembly of Ontario:

“Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters in their free time and in their home communities; and

“Whereas the Ontario Professional Fire Fighters Association has declared their intent to ‘phase out’ these double-hatter firefighters; and

“Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario” and throughout my riding of Durham;

“Whereas Waterloo–Wellington MPP Ted Arnott has introduced Bill 52”—which I support—“the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That” Monte Kwinter and “the provincial government express public support for MPP Ted Arnott’s Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time.”

I am pleased to sign this in support of the firefighters in my riding, and present it to Kristine from the riding of

Niagara Falls. I'm sure she, as a page, will enjoy presenting this to the table.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth"—Alliston—"is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank the Curiosity Shoppe for circulating that petition. I look forward to speaking tomorrow at the St. John's United Church Alliston men's club about this topic to save the Banting homestead.

ORDERS OF THE DAY

SPOUSAL RELATIONSHIPS

STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LES UNIONS CONJUGALES

Mr. Bryant moved second reading of the following bill:

Bill 171, An Act to amend various statutes in respect of spousal relationships / Projet de loi 171, Loi modifiant diverses lois en ce qui concerne les unions conjugales.

The Speaker (Hon. Alvin Curling): Mr. Bryant.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I'm sharing my time with the member for Toronto Centre-Rosedale, the member for Don Valley West and the member for Willowdale.

I very proudly rise to speak in support of this bill. This bill breathes equality into dozens of statutes where discrimination lay dormant, but I want to be clear what this bill isn't and what this bill is. If this bill were somehow a vote on same-sex marriage, I would very proudly vote yes—I would vote yes to same-sex marriage—but

that is not what this bill is about. The bill is primarily concerned with bringing our statutes in line with the Charter of Rights and Freedoms. The bill seeks to update our statutes to reflect a new reality in Ontario. In a sense, as NDP leader Howard Hampton said yesterday, it is a housekeeping bill. It is. It is born out of a judicial decision, yes. I say to this House, it is also the right thing to do.

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In June 2003 the Ontario Court of Appeal upheld a Divisional Court ruling that the federal common law definition of marriage, which excluded same-sex couples, was contrary to the Charter of Rights and Freedoms. Because of the Halpern ruling, same-sex marriage is legal in Ontario and has been legal for nearly two years, and provincial statutes ought to reflect that.

Further, the Supreme Court of Canada recently, in an advisory opinion, a federal reference, confirmed that the proposed federal bill that is before Parliament right now affirming same-sex marriage is constitutional. "Extending the definition of marriage to same-sex couples is consistent with the Charter of Rights and Freedoms," said the Supreme Court of Canada.

The court also held that the charter guarantee of religious freedoms affirms that religious officials have the freedom to perform or not perform marriages in a manner that's consistent with their religious doctrine. The court also affirmed the freedom of religious officials to use sacred places for the celebration of marriages in a manner consistent with their religious doctrine. The court added that provincial human rights codes must be interpreted in a manner that upholds and is consistent with religious freedom under the charter.

Any Attorney General of any government of any party stripe has a constitutional and a statutory duty to ensure that the statutes and regulations of the day are consistent with the charter and other constitutional documents and doctrine. The proposed legislation, if passed, would fulfill this duty. But I also want to be clear that this government is viewing this bill as not simply fulfilling a duty resulting from a court decision. While this is, in large part, a housekeeping matter for this government, we're doing it because we believe it to be the right thing to do. We're committed to ensuring that all couples are treated with the same respect and dignity as all. We are committed to ensuring that all couples are treated the same, no matter where they come from, no matter the language they speak, no matter their ethnicity and no matter their sexual orientation. By amending the definition of "spouse" in these statutes, our government is helping to ensure that Ontario laws do not discriminate against same-sex couples, including those who choose to marry.

A responsible government must always seek to align its statutes and regulations with the Constitution and with the evolving constitutional jurisprudence that arises. We are seeking to do that with this bill.

Now it is for the Legislature to debate and vote upon this bill. I urge all members of this House to support it. I

am proud of this bill, and I believe it is the right thing to do.

The Speaker: I know you're sharing the time with three other members. The member for Don Valley West.

Ms. Kathleen O. Wynne (Don Valley West): I want to acknowledge what the Attorney General has said about our government's position on this bill. I feel it's important for me to speak to this bill. In my maiden speech in December of last year—I guess a year ago last December—I talked about my responsibility as a lesbian in this House to the young lesbians, the young gay men, the young people struggling with their sexual orientation outside of this place, and so I take it as a serious responsibility to speak to that issue. Although I didn't come to this House as a gay activist and that is not how I got here, I take it seriously as my responsibility to speak to issues that affect all people struggling with their sexual orientation in the province.

Although I understand and certainly acknowledge that this is a housekeeping bill to a large extent, I think we need to talk about some of the underlying issues, and that's what I'd like to do today.

So I rise today to speak in support of Bill 171, the Spousal Relationships Statute Law Amendment Act. As I said, on the surface, this bill is about updating and clarifying Ontario's marriage statutes, and, as the Attorney General has said, it updates 73 of Ontario's statutes to reflect what has been the legal reality in Ontario since the June 2002 ruling in the Halpern case that both opposite- and same-sex couples may legally marry in Ontario. That is a significant reality that we're acknowledging by putting this legislation forward. It clarifies something that has always been the case in Ontario, that faith leaders need not perform marriages to which they object on religious grounds and that faith organizations need not make their facilities available for marriages of which they do not approve. That's the legal framework that we're supporting.

It is technically both logical and necessary for our Legislature to align our statutes with the decision of the courts, and it's right for us to give a clear indication to faith leaders that it's their right to decide which marriages they will perform or allow to be performed on their premises.

But as I said earlier, I really do believe this debate has much broader significance than either of these imperatives suggests. I have to say, as I've watched the federal debate unfold, when I began to read the ink that's being poured out on this debate federally, my initial position was, "What is the big fuss?" I have been in both a heterosexual marriage and I'm in a committed homosexual lesbian relationship. To me, the tired old institution of marriage was something that we probably should be polishing up. Originally, the debate was not one that I wanted to particularly engage in, but I have to say that as the debate has continued and as it has escalated and as the issue of human rights has become clearer, as we listen to people talk about rights being taken away or people being marginalized, it has become clearer and clearer to

me that it's important and necessary that all of us who believe that this is a human rights issue and that it's the right thing to do to extend the right to marry to same-sex couples speak up on that.

I believe this debate has that broader significance, and I want to talk about some of those issues today. The last 40 years in Canada have seen tremendous progress for lesbians and gays and their rights. From Pierre Elliott Trudeau's 1967 statement that there's no place for the state in the bedrooms of the nation and his accompanying omnibus bill, to Ontario's landmark rulings of 1999 and 2003 in *M. v. H.* and the Halpern case, to the federal government's current legislation to fully legalize same-sex marriage, there has been much progress on the legal front. It's not just on the legal front, because the social progress goes hand in hand with the legal progress. The expansion of Pride festivals in Toronto, the dramatically increased visibility of lesbians and gays in popular culture, including our own politicians in the Legislature and in city councils across the country, have raised the issue and have made a dramatic increase in the openness and acceptance of lesbians and gays—in some parts of this province and this country.

This legislation does not extend new rights that did not previously exist, and we all understand that. Yet with the very fact of this open debate, this Legislature is playing an important role, I believe, in moving this discussion of gay marriage out of the closet and into the public. In voting for this legislation, we will affirm that in our eyes, individuals in same-sex couples have and deserve the same rights and responsibilities as those in opposite-sex couples. I think that's a critical piece of this debate. We're talking about rights and responsibilities.

For many lesbian and gay Ontarians, meaningful equality is not yet a reality. I put it to this House that meaningful equality for the lesbian/gay/bi-gendered/transsexual community must mean full equality before the law—that's what we're talking about today—equal benefit of the law and equal social opportunity and responsibility with other members of society. So this is a narrowly legal issue that we're discussing today, but it's part of that much broader social issue.

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In my opinion, the broader significance of this debate lies in its role in promoting the honourable and necessary aim of meaningful equality for all members of the LGBT community. At the heart of this debate is the goal of eradicating the hatred and discrimination that are the products of homophobia, especially in our schools and among our children.

Let me share some research findings with you.

In 1989, Paul Gibson, in a study for the US Department of Health and Human Services, found that gay and lesbian youth are two to three times more likely to commit suicide than other youths, and that 30% of all completed youth suicides are related to the issue of sexual identity.

In 1990, Joyce Hunter, in the *Journal of Interpersonal Violence*, found that among the youths she studied, half

of all the youths who had been assaulted reported that the assault was gay-related. In that same study, Hunter found that 41% of the assaulted girls and 34% of the assaulted boys had attempted suicide.

In 2001, a Canadian study by Otis, Ryan, Bourgon and Girard found that among gay youth receiving supportive services, 75% had seriously considered suicide in the past month, 44% had made at least one serious attempt at suicide, and 22% had made two or more serious attempts at suicide in the past month.

At the heart of this debate is the goal of making all our communities safe for these children who feel so reviled and so alone that they're driven to try to take their lives. When I read about an incident in the paper—a bullying incident that ends in a fatality, or a teen suicide—these are the statistics that come to my mind. I ask myself, what was at the root of that bullying? What was that child suffering that he or she felt the world was such an unsafe place? I think that's a question that doesn't get asked often enough. I believe it is at the heart of why this is the right thing to do.

So homophobia is not an abstract idea. It is the fear that drives children into the closet and keeps them there as adults. It is the fear that silences family members and forces adult children to lie about their living arrangements for decades to their parents.

My partner and I run a fundraiser three times a year. It's called MAD for Dancing. It's between 200 and 400 women from around the province who come to Toronto for a dance. For many of these women, it is the only large lesbian gathering that they go to throughout the year. It starts at 7:30 and ends at 12:30, because we're middle-aged lesbians. We raise \$14,000 to \$16,000 a year for the Lesbian Gay Bi Youth Line and the Triangle program. The interesting thing about this group of women is that many of them are closeted everywhere else in their lives. They're closeted at Christmas when they go home to their families; they're closeted at the school where they teach; they're closeted at the hospital where they work. But they come to the MAD dance and they can be who they are. They can hold the hand of the person they live with.

That kind of closeted life is something that I think we need to try to eradicate. My hope is that every little step that we make in the Legislatures and the Parliaments of this country takes us closer to that goal. It's a great dance, however. That closeted lifestyle, those living arrangements—those are the things that are at the root of the pain that a lot of lesbian and gay people feel.

Homophobia can be a loud and violent fact, or it can be subtle and whispering. It's the teasing that can stop a talented young male figure skater from pursuing a dream. It's the force that creates and reinforces stereotypes. It's the norm that can convince a beautiful, vibrant, healthy young girl that she's ugly because she doesn't want to wear makeup. It's the fear that forces teenagers struggling with their own sexual orientation to be the most abusive to others, because they're trying to cover for themselves. It's the fear that forces a little boy to turn to

his mom one day and to tell her that he isn't going to wear bright colours any more, even though his whole little life he's loved those bright colours. He's figured out that that's not OK. Homophobia is the fear that forces those things.

Coming-out stories: Any of you who have spent time in the lesbian-gay community know that coming-out stories are a staple of that social interaction. They are stories of liberation, disappointment, relief, anger and pain, depending on individual circumstance.

In 1995, my partner, Jane, and I published our story in a book of stories edited by Katherine Arnup called *Lesbian Parenting: Living with Pride and Prejudice*. Here's how I started my story:

"For the first 37 years of my life I lived with all the privilege of a white, middle-class heterosexual woman. In 1991 I fell in love, changed my life and began to live in a committed relationship with another woman. I learned the meaning of heterosexual privilege in the losing of it."

I really believe that part of the reason that I feel as strongly as I do about this and am able to speak about it the way I am is that, having lived with all that privilege, I understood what it meant to be on the other side, where the privilege was denied. For me, homophobia was in the eyes of neighbourhood friends who thought I should take my three children out of the community school and move to a more diverse neighbourhood so I wouldn't have to deal with living in the north Toronto neighbourhood that I lived in. My response was, "Why on earth would I do that? My guess is that there are a few other lesbians and gays living in this area, so I'm just going to stay here"—which we did.

I'm not naive enough to believe that one debate or one piece of legislation can change the engrained notions of society; I know that's not the case. But if we can protect the right of our children to be who they are, then they will change those notions, and I believe that's already happening. It's up to us to change the laws so that the next generation can change the attitudes. We all deal with internalized homophobia. Every straight person and every gay person has internalized the norms of society. My hope is that our children will be able to change those attitudes.

Federally, this country is debating this fundamental human rights issue. Here in Ontario, we're choosing to align our statutes with the court decision on that human rights issue because, as the Attorney General has said, it's the right thing to do. It is a thing that will make communities in every corner of this province safer for all our children. Because we are doing this, no matter where children in this province live, no matter where adults live their closeted lives anywhere in this province, they will know that their government has said, "This is a safe place for you to be." That's an important thing for them to hear.

I'm proud to speak in favour of this bill. I'm proud to be part of a government that is supporting this human rights issue. I will be voting in favour.

Hon. George Smitherman (Minister of Health and Long-Term Care): It's with great pleasure as well that I have a chance to rise in this chamber today to take part in the debate on second reading of Bill 171, the Spousal Relationships Statute Law Amendment Act, and I think it's fair to say that I do so with a great deal of pride.

I want to compliment my colleague, my sister, Kathleen Wynne on her speech.

I'm one of those people who has been lucky enough to have an opportunity to attend Legislatures, even before I was an elected member, and to see history in the making, history that affected me in a very personal way.

As a young kid interested in politics, I had the chance to be in the Senate gallery of the House of Commons when Pierre Trudeau spoke on the Canadian Constitution.

I had a chance to be in that members' gallery on a very special day, when this Legislature, I believe in 1986, debated an amendment put forward by Evelyn Gigantes and supported by the Liberal government of the day, with a few members of the Conservative Party joining in and lending their support: Bill 7, an amendment to the Ontario Human Rights Code that read in sexual orientation as a prohibited means of discrimination.

I had the opportunity, in my maiden speech in this Legislature, from a spot back there in the corner, not so far from where the member from Cambridge sits now, to make a speech on a bill brought in by then Attorney General Jim Flaherty, Bill 5, which, not dissimilar to the bill before us today, brought Ontario statutes into accordance with the laws of the land. I was proud that our Legislature that day chose to vote unanimously in favour of that. I said that it was setting a new seat at the table for the gay and lesbian community.

I'm tremendously honoured to have a chance today to participate in a debate on a matter brought forward by my colleague the Attorney General, and I want to say to him, for his thoughtful and forceful contribution to this debate, that I'm honoured to be part of the government.

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I want to say that I'm honoured as well to have a chance to speak in front of my preacher. Now, I must be careful in acknowledging that Brent Hawkes is my preacher, because if attendance were taken there as it is here, there would be some concern about how one can make a claim that someone is their preacher when they don't go in person quite as often as they might to hear the tremendous oratory, the passion and the tremendous wisdom that Brent Hawkes brings in his role as pastor of the Metropolitan Community Church. That church on Simpson Avenue, in the riding of Toronto-Danforth, home to the member opposite, has a reputation, I think it's fair to say, as a place where a progressive, inspirational congregation does what it needs to do to make the kinds of advances, the human rights advances, that the gay and lesbian community has been much in need of over a period of time. This courageous band, a very small group of people in the grand scheme of things, has demonstrated that you can, in a certain sense, fight city

hall, that you can make the progress that's necessary for a society to evolve.

I think that is the essence of the greatness of Canada. That in this land, with a Charter of Rights and Freedoms, we have made a home for people from all over the world where we celebrate diversity and recognize it as our greatest strength is, I think, a credit to the fabric of our country.

I just want to say that I'm honoured to be here today and to have a chance to speak in the presence of Brent Hawkes, who stands out as one of the most exemplary leaders I think our country has ever known.

This bill is of tremendous importance, of course, to thousands of people across this province. It's also of considerable importance to me, a point that I think has been made by now. As a gay man, obviously I'm very proud of a bill specifically designed to remove the last hurdle in provincial law to equality for gays and lesbians. That word, "equality," is one that I rely upon a lot. It is the human rights issue that is at the heart of this debate. It's based on a fairly simple principle. It is that principle on which I operate on a daily basis: that my sexual orientation ought never to be a ground to suggest in any way that I'm unequal to any other member of this House or to any other citizen of our country. That is the principle that is found at the heart of our Canadian Constitution, our Charter of Rights and Freedoms. I'm proud of a bill that is designed to enable us, as a province, to do the right thing.

Make no mistake: That is exactly the point here. If passed, this bill will make amendments to some 70 Ontario statutes that at present are inconsistent with court decisions informed by the Charter of Rights and Freedoms that give same-sex couples the right to marry. These are statutes that are inconsistent with the law.

It has been legal for almost two years for same-sex couples to marry in Ontario. This is something that gives me tremendous pride in my province and in my country. More than 1,000 gay couples have been married in that time, happily and proudly joining the millions of other couples in this country who have come together in love and asked nothing more than society's blessing of that union. In this province, we do bless that union, regardless of the sexual orientation of the people who are involved. If I may say it again, that is something that gives me tremendous pride in our province and in our country. I'd also have to say that I know of no marriage anywhere that has been weakened or damaged as a result of the marriage of any same-sex couple that has occurred.

Bill 171 would do nothing more than make easier that which has already been made legal. It would simply, if passed, secure ground that has already been won and that will never again be ceded. The term "spouse" would be expanded to legally include same-sex couples who are married or live together in conjugal relationships outside of marriage. In other words, same-sex couples would henceforth be treated with the same respect and dignity accorded to opposite-sex couples.

If anybody really has a problem with that, I have to ask myself what that problem could possibly be. How, in our land, can equality be a problem?

I know there are those here who fear that religious officials might somehow be forced to perform marriages that are inconsistent with their religious beliefs. I wish I could find the words to permanently dispel this fear, because it is groundless. The fact is that the Charter of Rights and Freedoms—the same charter that gives same-sex couples the right to marry—gives religious officials the right to perform only those marriages that they wish to perform. The Supreme Court is very clear in their opinion on this. Religious officials cannot be forced to overrun their beliefs. The same charter that protects us protects them.

But over and above the legal protection that exists in this regard, there is another protection that I believe in many ways runs even deeper. The gay community has nothing but the deepest respect for the Charter of Rights and Freedoms. It is a document that has allowed us to take our place in society, proudly and without fear. The last thing in the world we would ever dream of doing is deprive another group of the rights and freedoms that it enjoys under a charter that we hold so very dear. How could anyone believe we would then turn around and hypocritically abuse it? We would not.

Gays and lesbians in this province want nothing more than to enjoy the respect and dignity that comes with being equal under the law. They want nothing more than to enjoy the respect and dignity that comes with being equal in the eyes of their fellow citizens. We have already won the first battle, and the second battle is being won as we speak. The bill we are debating in this House today is really a recognition of both those things. I'm very proud to stand behind it and recommend that other members do so as well.

Mr. David Zimmer (Willowdale): Mr. Speaker, I may be sharing my time with the member from Perth—Middlesex.

It's my pleasure to rise today to speak in support of the proposed spousal definition legislation introduced by the Attorney General yesterday afternoon. This bill illustrates the McGuinty government's steadfast commitment to ensuring that same-sex couples in Ontario are treated with the same respect and dignity as opposite sex couples.

More than 70 provincial statutes will be amended with the passage of this bill, redefining "spouse" and removing such terms as "same-sex partner," "husband," "wife," "widower" and "widow." These terms will be replaced with a gender-neutral definition of "spouse." Under this legislation, the term "spouse" will serve to define all couples in these and all future statutes.

Some people may question why this government is now deciding to take such action. The reason is quite simple: The Attorney General has introduced this bill because it is the right thing to do; it is the necessary thing to do. The Ontario Court of Appeal ruled in June 2003 that the current definition of marriage—that is, being

exclusively between a man and a woman—was unconstitutional. That's the law of the province since June 2003.

The Supreme Court of Canada, in December 2004, at the request of the federal government, rendered its opinion that same-sex marriage is unconstitutional and that the Charter of Rights and Freedoms guarantees the freedom of religious officials to perform marriages and use their sacred places in accordance with their religious beliefs.

Surely the ruling of the Ontario Court of Appeal and the opinion of the Supreme Court of Canada offer a clear, reasoned and rational signal for the need for change in Ontario to bring our laws into compliance. Since the first of these rulings by the courts almost two years ago, the reality is that more than 1,000 same-sex marriages have taken place in Ontario. Yet the provincial statutes applying to these couples remain out of date, out of sync and, more importantly, they remain unconstitutional. Logically, then, we must amend these statutes to reflect the current status of the law. All Ontarians, no matter who they are, must have the comfort of knowing that, without question, they are fully recognized and fully protected by the laws of Ontario.

Some people may take issue with this initiative and, indeed, with the whole idea of same-sex marriage. They are entitled to their opinion—that is what a free and democratic society is all about—so long as those opinions do not come at the expense of others.

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Those who would politicize this issue do so for just that: to politicize it. But that is not the issue before the House today. We are being asked simply to formalize in our statutes in the Ontario statute books what the highest courts of the province and the highest court of the land have said should be the case—indeed, what is the case.

I think we can all appreciate that same-sex marriage is not some abstract, conceptual notion to be debated upon ideological lines. The issue is purely and simply a matter of rights, the fundamental rights impacting everyday lives of very real people: all of us, straight and gay—people we know and work beside every day, our straight friends, our gay friends, straight members of our family, gay members of our family. That is why the passage of this legislation is so significant.

I want to take a minute now and just answer for the record a few of the questions that have been posed about the effect of this legislation. In no particular order, these are some of the questions that I'm asked on a regular basis, and I expect many members of this House are asked on a regular basis, just to set the record straight.

What is the definition of "sacred place" in the legislation? This concept of a sacred place is an important one. Well, the term "sacred place" in this bill is the term used by the Supreme Court of Canada in its decision on the federal marriage reference. "Sacred place" is defined in the bill to include "a place of worship and any ancillary or accessory facilities" connected to the place of worship. I think that's important for everyone to understand.

Another question that's often asked of me and members of this House is: What is the effect of this bill on religious organizations, and in particular, will religious groups affiliated with religious organizations, such as the Knights of Columbus, be protected from having to rent their facilities to same-sex couples in the proposed legislation? The answer to that question is that the proposed legislation protects religious officials and sacred places in relation to the solemnization and celebration of same-sex marriage. This means that only religious officials registered to perform marriages under the Marriage Act are protected. It does not contain protections for non-religious officials or non-sacred places. But section 18 of the Human Rights Code protects certain organizations that are formed to serve the interests of a particular group of people, including members of a particular religion. If a group falls within section 18 of the code, the organization may be allowed to restrict access to the services or facilities to members of their group. This protection existed before the Supreme Court decision, and it continues to exist today. However, where an organization makes its services or premises commercially available to others outside its recognized group, it must do so without discrimination.

I understand that in a British Columbia case the Knights of Columbus have since posted a policy restricting access to their facilities and services to members of their religious group. We understand that this kind of restriction would be permissible under the Human Rights Code and would protect the organization from a discrimination complaint, as long as the group remains within section 18 of the code. Ultimately, it's up to the Ontario Human Rights Commission and tribunal to determine whether a group is protected under section 18 of the code.

Another question that is often asked of members of this Legislature is, "What is the effect of this bill on civic officials?" that is, officials who perform marriages. As I've noted earlier, there have been over 1,000 marriages of same-sex couples here in Ontario. The fact of the matter is, we have not heard of any problems or complaints involving the authorities that performed those 1,000-plus marriages.

Secondly, as we know, where municipalities provide services, they must provide these services without discrimination. The most important obligation of a municipality in this context will be to provide seamless access. This means that a same-sex couple seeking a civil marriage must receive the same level of service as any other couple seeking a civil ceremony. Delays, waiting lists and other unusual procedures that may in some way suggest they are not being treated with the same level of respect is unacceptable.

Whether or not a particular individual has a right to refuse to perform a marriage based on that employee's religious beliefs will depend upon the circumstances of the case and the ability of the municipality to provide services free of discrimination. Under the Human Rights Code, employers are already under an obligation to

reasonably accommodate the employees' religious beliefs.

I think this is the framework against which services have been provided in Ontario since 2003, and we anticipate that this will continue without any problems, because the fact of the matter is, as I've said earlier, in the last two years there have been somewhat over 1,000 marriages performed and, happily, the much-anticipated difficulties and problems and rancour have just not occurred.

This is a tribute to the people of Ontario. It is a tribute to the civil servants here in Ontario. It is a tribute to all persons of all religious beliefs, whatever they are, and it is, in fact, a tribute to everyone here in Ontario, no matter what their ideological beliefs on this issue are. The fact of the matter is that in over 1,000 same-sex marriages, the much-vaunted infighting and row just hasn't taken place. This is a tribute to the people of Ontario, it's a tribute to the members of the court, and it's a tribute to the members of this Legislature who have approached this legislation in a sense of fairness for all our brothers and sisters, no matter what their personal, cultural, religious or sexual beliefs are. For these reasons, I'm happy to support this legislation.

The Acting Speaker (Mr. Michael Prue): Further speakers?

Mr. Gilles Bisson (Timmins-James Bay): Questions and comments.

The Acting Speaker: No, I understood that it was being—it's not being split?

Mr. John R. Baird (Nepean-Carleton): It's finished.

The Acting Speaker: Oh, it's finished. OK. Excuse me. I just assumed the chair. Other questions or comments.

Mr. Jerry J. Ouellette (Oshawa): I'm pleased to be here, and I appreciate the opportunity to rise and speak on Bill 171.

As an elected official and member of this House, I've tried to operate to the best of my ability, without prejudgment, in a fashion of respect, fairness and honesty, and I think all members would appreciate that. I try to treat others in the same fashion as I would be. A good week for me is such that it includes church and prayers on Sunday but, as all members who contribute in this Legislature know, it's very difficult to achieve that each and every Sunday.

The AG's remarks started off stating that this bill was not about same-sex marriage, yet the third paragraph in the opening specifically states that the law in Ontario and the Legislative Assembly recognizes the right of same-sex couples to marry. That's somewhat contrary to his specific remarks about the fact that it's not about same-sex marriage, because obviously it mentions it.

1600

The member from Don Valley said that a lot has been done on this agenda. In essence, that is the concern: This is not a beginning or an end but a midpoint on some agenda. As federal Justice Minister Anne McLellan stated in 1999, "Let me state again for the record that the

government has no intention of changing the definition of marriage or of legislating same-sex marriages." She went on to state, "I support the motion for maintaining the clear legal definition of marriage in Canada as a union of one man and one woman."

It's for that reason that this legislation has been brought forward, because of a decision made by the courts, and it's for that reason that a lot of the churches I spoke with yesterday afternoon, last night and this morning do not believe that the protection is there.

I know I'll get time later, but I want it clearly stated that I believe the definition of marriage in Canada should remain as a "union of one man and one woman, to the exclusion of all others."

Mr. Bisson: I want to add my voice in support of this legislation. I've been in this House now for 16 years—other people have probably been here longer than me—and this is the third time we've had a vote in this Legislature on similar issues. Three times I voted in favour.

I found that the public is further ahead than politicians on these issues. Quite frankly, I think most of society understands that as society develops and as time goes on, attitudes within society change and we need to change some of our practices. What's happened here, clearly, is that the courts have spoken to what is in our charter. The government is doing the right thing. They're doing what needs to be done in order to make sure that our laws are in sync with what the courts have done. The federal government will deal in due time with the definitions and other issues.

I just want to say to members—especially the newer ones who just got here and worry, "What does it mean for me if vote in favour?"—that it was a humbling experience in 1994, the first time this issue came to this House and I voted in favour of extending benefits to same-sex couples. I was worried, coming from a northern constituency, that all kinds of people were going to be worried, that I would be "shoosted" out of office, as they say. Do you know what? The public got it. The public understood. Those people who were opposed to it said, "Listen, you took a principled position. I don't agree with you. You at least listened to what I had to say and at the end of the day you took a decision and we respect you for it." In the election that ensued, not once did somebody come up and give me a hard time over that issue.

Again, in 1999, when Mike Harris brought similar legislation to the House, I voted in favour, along with all Conservative and Liberal members of the day. Basically, the public got it. They said, "Listen, you've got to do what's right by way of the courts and by way of people's fundamental rights when it comes to the charter." I will do the same in this vote.

I say to those who are opposed: I hear you, I understand your argument, but society moves on and we need to move on with it.

Ms. Judy Marsales (Hamilton West): I'm indeed proud and pleased to be able to stand, and particularly to be a member of a government demonstrating leadership by removing another barrier to equality. What is equality,

after all, if it's not equal and if it's not equal to all? Are some less equal?

In my church, St. Joseph's in west Hamilton, we have a terrific priest named Father Jim Volk. Every Sunday, Father Jim teaches us to love and celebrate our family, friends and neighbours. He teaches us to be inclusive of all people, all races, all cultures, all religious beliefs and, yes, all members of our community regardless of sexual orientation.

If our responsibility as legislators is to build a better Ontario, it seems to me that it is equally our responsibility to teach respect and equality, not selective respect and certainly not selective equality. Let us take a lesson from Father Jim. There is no room for discrimination in our Ontario. Love comes in all shapes, all sizes, all colours and, yes, all definitions—all acceptable and all acknowledged. As our Premier has said, we can be a beacon of light by demonstrating to others the measure of our strength of character when we stand up for our fellow Ontarians.

As a teenager, I had a funny rocket ship, a transistor, that I used to have to attach to a heat register to beam in sound. My son now has an iPod. Our vision of life has been enlightened in so many ways. Let us be a light and a beacon for equality, and let us move forward the dynamics of human interaction. Yes, I favour this change of definition of the word "spouse."

The Acting Speaker: Response?

Hon. Mr. Bryant: I want to thank and compliment our own members—there only gets to be one wrap-up, of course—the member for Don Valley West, the member for Toronto Centre–Rosedale and the member for Willowdale for their speeches. I can't possibly do justice to them in this wrap-up. I thank the member from Timmins–James Bay for his supportive comments, and also for your eloquent comments, I say to the member from Hamilton West.

To the member for Oshawa, I would say this: You take issue with the preamble. The preamble is declaratory of the law of Ontario as it has been since June 2003. The provincial government, the provincial Legislature, the province of Ontario: No province has the constitutional jurisdiction to legislate on capacity to marry. It is the federal common law that was amended by the Ontario Court of Appeal. It is the federal Parliament that is, in a statute, defining "marriage," and it is only for the federal government to give or take away when it comes to the capacity to marry.

In that sense, the preamble is not creating any new rights where there were none. It is, rather, declaratory and recognizing of the reality in the preamble of the state of the law in the province of Ontario. That's in the preamble, which is of its own different effect, I know, as the member knows. That is the intention of the preamble, simply to provide some broad recognition of the facts, realities and law right now.

The bill then goes on to deal with all the consequential amendments as a result of the Halpern decision in June 2003. I respect the member's democratic right to take

issue with and question the preamble. I would say to the member that that is the pith and substance of the preamble: that it is declaratory of what is the law of Ontario right now, and that the province continues not to have the jurisdiction to legislate in the area of capacity to marry.

The Acting Speaker: Further statements?

Mr. Baird: I'm pleased to rise today in support of equality and in support of this legislation. I would first like to thank the Attorney General and members of his staff, both his political staff and his ministry officials. In this Legislature, it's far too often too partisan and there's not enough inter-party work to brief members of the opposition, to listen to their concerns and to hear what they are saying, and then to come back with further thoughts. That doesn't happen enough in this place, and perhaps it should.

The first issue I'd like to address is the responsibilities between the federal government and the provincial government. I was reviewing some of the debates in this place on this particular issue, and I recall an opportunity where former Premier Harris was questioned on the separation of responsibilities. He said, in answer to a question by the leader of the third party:

"Here's what the province of Ontario does and can do legally. We are responsible for who will marry: a registered clergyman or others if we—there is a consultation process looking at who, for example, can marry. Just who has the capacity to enter into a marriage is under exclusive federal jurisdiction." In that course, the then Premier said, "We take direction from the federal government." That is clearly laid out in sections 91 and 92 of the Canadian Constitution; "They have exclusive jurisdiction over who can enter into a marriage."

Clearly the federal government has that exclusive responsibility. The legislation before this House, which I support, does two things. To quote a former Attorney General, who spoke to a similar bill some five or six years ago, and who is still in this House, he said he was proposing a comprehensive response. He said, "A comprehensive response is necessary to protect the constitutionality of many of the public statutes of Ontario." He was referring then to Bill 5, which this Legislature discussed and debated and passed.

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In many respects, that's what half of this bill before us does. It simply gives voice to a judicial decision that was not appealed by either the federal or the provincial governments. The provincial government, I suppose, would have had very little cause to appeal it. Its only intervention in the Halpern case was to say that this was a federal issue, and the court agreed. When you win, you don't have much grounds to appeal.

The second issue of this piece of legislation deals with the protection of religious officials. This is not an easy issue. Some have said that the charter is enough, that we don't need to address this issue in Ontario statutes. That may be the case. For some, it may not. In the reference case to the Supreme Court by the federal government, the

Supreme Court basically said that this is a provincial issue. This is for provincial Legislatures to confer.

I was struck by a conversation I had with a friend of mine who is a lawyer, who appeared in London recently. The judge explained to him, "Well, the Legislature wasn't clear on this. It should have been clearer." I think, far too often, we in government—on both sides of this House, on the opposition side and government side; the government benches have been somewhat of a revolving door in the last 20 years, where different parties take their turns on that side of the House. I have every expectation that will continue into the future, so I expect that will continue to change.

Government and Legislatures too often aren't clear and aren't specific when they pass legislation. They use language which is far too ambiguous and which gives too much authority—it sort of shuffles off the responsibility to the courts to decide what it means. So I want to compliment the Attorney General for listening. I know he listened to his own education and thoughts on this issue and listened to many of us. Certainly those of us in the official opposition wanted something more explicit in legislation. I used the example that it was using a belt and suspenders, just so that it was crystal clear.

That second issue in the bill is contained in section 18, which I'd like to read into the record:

"18.1 (1) The rights under Part I to equal treatment with respect to services and facilities are not infringed where a person registered under section 20 of the Marriage Act refuses to solemnize a marriage, to allow a sacred place to be used for solemnizing a marriage or for an event related to the solemnization of a marriage, or to otherwise assist in the solemnization of a marriage, if to solemnize the marriage, allow the sacred place to be used or otherwise assist would be contrary to,

"(a) the person's religious beliefs; or

"(b) the doctrines, rites, usages or customs of the religious body to which the person belongs."

It goes on further to define "sacred place." There was a concern about whether you needed to define "sacred place." Some suggested the sacred place would refer only to the sanctuary of a church. What about the church hall? What about the associated facilities? The government has defined "sacred place" as including "a place of worship and any ancillary or accessory facilities." The church that I grew up in, Bell's Corners United Church, runs a co-op building for seniors. Now, I think that that clearly wouldn't be covered by this statute. They do have a church hall adjacent to the sanctuary, and it certainly would be my expectation that this would be covered. But that church would have the ability to make its own decision.

In the case of the United Church, they don't have a problem with this issue, but other denominations have different views on this issue. I don't agree with them, but I respect people of faith and people who hold profound religious values which inform their decision.

I noticed this in the Globe and Mail this morning, on page A11, after this bill got first reading, and I'll read into the record:

"The Ontario Confederation of Catholic Bishops yesterday commended the Ontario government for protecting the rights of religious officials by not compelling them to perform same-sex marriages.

"One area of particular concern to the Catholic bishops is the use of church property, said Tom Reilly, the group's general secretary."

He ends with, "This bill clearly provides this protection and the Ontario bishops accordingly support it."

I am not Roman Catholic. My own church has different views on this. But clearly the leaders of the Catholic faith in Ontario appreciate not just including it in legislation, but defining the words "sacred place," which is something I certainly support. I think it helps to have that protection there. It certainly addresses one of the significant concerns that some had with respect to this equality issue.

This legal decision we're giving force to was written by three people, among whom is included Justice McMurtry. Roy McMurtry is a former Attorney General in Ontario. He served as Attorney General for 10 years and is generally regarded as one of the best attorneys general in Canadian history. He played a key role in the patriation of the Constitution—flaws and all. It should have contained property rights in the charter, but it didn't. But he's a thoughtful man.

He ran for the leadership of the Conservative Party. I was a 15-year-old delegate to that convention, and despite that some would charge me with being a neo-conservative later on in life, I supported Roy McMurtry on the first ballot, before he fell off. One of my friends tried to explain that as a youthful indiscretion. Some young people get involved in trouble, but I look back at that and I certainly don't regret that decision. Another former Attorney General by the name of David Young was also a youth delegate supporting Mr. McMurtry. We had fun reminding Justice McMurtry of that fact.

The heart of the McMurtry decision in Halpern was contained in paragraph 2. It simply said, "This case is ultimately about the recognition of human dignity and equality."

I would be remiss if I didn't say that some of my constituents in Nepean-Carleton may not accept that decision, but I want to be very clear that their member does.

The Acting Speaker: I didn't hear you were sharing your time.

Mr. Baird: I apologize. I would like to share my time with the member for Oak Ridges, the member for Whitby, and the hard-working and diligent member for Oxford.

Mr. Frank Klees (Oak Ridges): I will be voting against this bill, and in doing so I will be registering my strong opposition, first, against the process that has brought us to this place where the Legislature of this province is now enacting legislation that is driven, not by the members of this House but by a decision of the courts, rendered by an unelected, unaccountable judiciary.

I will be voting against this bill because contrary to what some may be suggesting, I do not see this legislation as a mere housekeeping document. This legislation is in fact historical, because it is stripping every statute of this province of terms that I and millions of Ontarians have considered a cornerstone of our society—terms such as "husband," "wife" and "widower"—never again to be seen in our statutes.

I'm voting against this bill because the term "same-sex partner" is being stripped from provincial legislation, a term first incorporated into provincial statutes in response to another court decision in *M. v. H.* As the chief government whip at the time, I recall well the debate that took place over that legislation, and the writing and re-writing of that legislation. That was directed by the courts at the time as well. But we were very careful to ensure that the traditional definition of marriage was, in fact, retained.

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There are those who would compare that legislation, Bill 5, to this legislation that is before us today. Nothing could be further from the truth than to suggest that this legislation is similar.

Bill 5 confirmed rights and responsibilities to couples who chose to commit to a conjugal relationship, be they gay or lesbian. Bill 5 conferred those rights and responsibilities to "same-sex partners" as a specific term. Bill 5 was explicit in ensuring that the definition of marriage was a protected definition as "the voluntary union for life of one man and one woman, to the exclusion of all others."

This legislation, in fact, extends, in provincial statutes, a definition of marriage that has not been so defined by the federal government but has been handed to this Legislature by the Ontario Court of Appeal. Even those in this House who agree with that definition also agree that it is the federal Parliament that has jurisdiction over the definition of marriage. That is the reason that this very issue is currently being debated in the federal Parliament.

It's for that reason that I maintain that this legislation is pre-emptive in timing and should rightfully come before this House only after the federal Parliament has fully dealt with this important issue.

I'm voting against this bill because, while it contains a provision stating that religious officials are not required to solemnize a marriage, it does not provide the same protection for public officials who may also object to presiding over a solemnization for personal, cultural or religious reasons. I believe that such protection is the right of every public official in this province and should, in fact, have been included in this bill.

I'm voting against this bill because, while it provides for the protection of what is referred to in the legislation as sacred places for solemnizing a marriage or for an event related to the solemnization of a marriage which may be contrary to the religious beliefs of the official or the body associated with that facility, this legislation does not clarify how those sacred places will be defined. This

leaves many organizations and owners of facilities open to what may prove to be costly and extended legal proceedings with undetermined consequences.

Finally, I'm voting against this bill because I strongly object to the following reference in the preamble of the bill: "The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry."

I strongly object to the reference to the Legislative Assembly in this section of the preamble. This Legislative Assembly has never had this question before it. It is not within the jurisdiction of this assembly to even debate that issue, as was admitted by the Attorney General. It has been stated many times that this matter is for the federal House to decide, and that is why Bill C-38 is before the federal Parliament. It is presumptive and indeed disrespectful of this assembly for the Attorney General to have included that reference in this bill. I would respectfully request that it be removed before the bill comes forward for third reading.

In closing my remarks, let me state clearly that my comments today should not be interpreted as wanting to deny anyone their rights or their dignity. On the contrary: I'm asking that the rights of every Ontarian be respected. Gays and lesbians who commit to a conjugal relationship should share equally in the rights and responsibilities with heterosexual couples.

During this debate, I have heard members speaking about meaningful equality. I want to advocate as well for meaningful equality, an equality that is based on mutual respect, a respect that honours the rights of those who have held the traditional definition of marriage as sacred and considered their rights that they have celebrated for generations denied. Stripping the meaning of the word "marriage," redefining an institution that has been the cornerstone of our society throughout the ages, is fundamentally wrong, and to do so, strictly in response to the decision of a panel of three judges, is in itself a contradiction of what I believe every Ontarian believes that their parliamentary system is all about. It is now up to the members of the federal Parliament to reclaim their rightful role to determine the law as it relates to marriage.

This Parliament will pass this legislation. I believe it is wrong to do so. I look now to my federal colleagues to reclaim the right to make law and to define marriage in its traditional sense.

The Acting Speaker: Further speakers?

Mr. Jim Flaherty (Whitby-Ajax): In the brief time allotted to me to speak to this bill, may I make the following three points:

Firstly, this bill does not deal with the definition of "marriage." The definition of "marriage" is within the exclusive constitutional jurisdiction of the Parliament of Canada. Regrettably, this government bill includes in the preamble the words, "The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry."

Since the definition of "marriage" is within the exclusive jurisdiction of the federal Parliament, the reference in this bill to the Legislative Assembly recognizing the right

of same-sex couples to marry refers to a matter which is ultra vires, which is beyond the powers of this Legislative Assembly and therefore should not be in the bill.

As a member, and as the former Attorney General who brought forward Bill 5, the M v. H bill, in this House in 1999, creating equal rights in Ontario statutes, I was consulted about this bill that's before the House, which is to the government's credit. I also consulted about Bill 5 in 1999. After reviewing this bill, when we saw it, I did ask, as others did, that the words, "and the Legislative Assembly of Ontario" be deleted from the preamble, and the government chose not to do so.

As I support the traditional legal definition of marriage as "the union of one man and one woman, to the exclusion of all others," I cannot support this bill with its inaccurate and ultra vires statement that the Legislative Assembly recognizes the right of same-sex couples to marry.

Secondly, I will speak about the intention of the Legislature, as expressed in this bill, with respect to the guarantee of freedom of religion. This bill deals with minority rights, including minority rights relating to those who practise religious faiths. It is clear that this legislative area is within the exclusive constitutional domain of the provinces and, furthermore, that it is the responsibility of the provinces to legislate in a way that protects religious officials and property.

In the federal government's reference case to the Supreme Court of Canada, the court in its reasons stated as follows, "We note that it would be for the provinces, in the exercise of their power over the solemnization of same-sex marriage, to legislate in a way that protects the rights of religious officials while providing for the solemnization of same-sex marriage."

I also note the caveat expressed by the Supreme Court of Canada in reference to the guarantee of religious freedom in section 2(a) of the charter and in the following words used by the court, "Absent unique circumstances with respect to which the court will not speculate...."

We are in uncharted waters here, so it is with that in mind that I will try to express the intention of the Legislature with respect to changes that have been made in the bill. There is no doubt that this bill will pass, given the government majority. There's no doubt also that the bill will be considered in our courts subsequently, and the courts will seek to discern the intention of this Legislature. My comments are meant to make that intention plain.

The bill, as originally drafted, failed to provide adequate protection for religious officials and religious property. I, among others, urge the government to include specific protections so that it would be absolutely clear that the intention of this Legislature is to protect absolutely the right of all religious officials to refuse to solemnize a same-sex marriage or to allow property used by the religious organization to be accessed for purposes relating to the same-sex marriage.

The draft bill was amended by the government—appropriately, in my view—to clearly and expansively protect the rights of religious persons and the use of religious property. For example, the draft bill failed to contain a definition of “sacred place.” It now includes the definition, “‘Sacred place’ includes a place of worship and any ancillary or accessory facilities.” This is meant to include not only property used for religious ceremonies, but also property used by religious organizations in connection with their faiths. For example, the legislative language is intended to include properties such as church halls and other spaces connected with religious bodies or used by religious congregations. The intention of the expansive definition which has been given to the term “sacred place” is to broadly protect property used or accessed by religious bodies. The intention is to protect religious organizations from challenges to their freedom of religion with respect to the use of their properties and facilities.

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Thirdly, I'll comment briefly on the mantra which is repeated often these days, including in this place, to the effect that, “The courts have changed the law. It is a matter of rights. Therefore, Parliaments, whether federal or provincial, must obey and must fall in line.” Some even say that these are rights that have been determined by the courts, and therefore legislators should be silent. These comments, in my view, reflect a misunderstanding of the origin and contents of the charter. The charter includes section 33, the so-called notwithstanding clause, as well as specified rights and freedoms.

The charter would not exist today were the notwithstanding clause not a part of the charter. A parliamentary override clause was the *sine qua non* for the acceptance of the other charter provisions during the federal-provincial constitutional discussions for the creation of the charter. The Premiers of Manitoba, Saskatchewan and Alberta—and they were from different political parties—all insisted on the inclusion of the override, which is the notwithstanding clause. These Premiers did not want public policy determined by non-elected people.

Parenthetically, I thank the legislative library research officers, especially Philip Kaye and his colleagues, for their excellent research paper on the issue of the notwithstanding clause.

Judicial comments on the notwithstanding clause include recognition of the respective roles of the courts and the federal and provincial Parliaments. Both have roles, and they are meant to balance each other. For example, I'll quote Mr. Justice Sharpe, who is now a justice of the Ontario Court of Appeal; I believe he was a trial judge when he wrote this. He was one of the co-authors of the biography of Chief Justice Brian Dickson. He said this:

“The notwithstanding clause recognizes that elected legislators have a constitutional role in defining an appropriate balance between the rights of the individuals and the interests of society at large. With the notwithstanding clause, the charter creates a check on the

power of both legislatures and the courts. On the one hand, the charter significantly curtails legislative power by conferring a broad mandate upon the judiciary to protect fundamental rights and freedoms. On the other hand, the court's power is also restricted through the inclusion of the notwithstanding clause. Taken as a whole, section 33 ensures that no one has the last word. Even if the notwithstanding clause is invoked to overcome judicial review, the five-year sunset ensures that the issue will have to be revisited by a differently constituted Parliament or Legislature after an election in which the people can hold accountable their democratically elected representatives. The net effect of the section is to achieve a subtle and effective check on both legislative and judicial power.”

The use of the notwithstanding clause does not overturn a court decision. Instead, a five-year hiatus takes place before the issue will have to be revisited by the relevant Parliament. The notwithstanding clause has been used by Quebec, Saskatchewan and Alberta. The courts have little choice with respect to timing of cases and decision-making, but Parliaments do, by use of the notwithstanding clause, creating that five-year hiatus.

I raise this matter of the notwithstanding clause because, in my view, it should be used selectively and with restraint, as was intended originally, to give our society time for reflection and debate. This is especially so when fundamental societal change is contemplated. This is so with respect to the definition of “marriage,” which is a matter of exclusive federal jurisdiction. In my view, it would be wise for the federal Parliament to invoke the notwithstanding clause to permit such reflection and debate for a period of five years. In this regard, I have had the benefit of reading the open letter to the prime minister by Aloysius Cardinal Ambrozic, the Roman Catholic archbishop of Toronto, published in the *Globe and Mail* on January 19, 2005, in which he urged the Prime Minister to, among other things, make use of the notwithstanding clause to permit a five-year period of national discussion. I agree with this recommendation.

In summary, the definition of “marriage” is exclusively within the jurisdiction of the federal Parliament. The preamble to this bill reflects a purported conclusion reached by the Legislative Assembly of Ontario with respect to the definition of “marriage,” and is therefore unacceptable to me, because it is beyond the power of this place to do so. I disagree in any event.

We insisted on expansive definitions being put into the bill to protect freedom of religion, religious officials, religious organizations and their property. These were incorporated into the bill to reflect the intention of the Legislature. The charter includes rights and freedoms as well as the notwithstanding clause; the charter would not have been created were it not for the notwithstanding clause. The use of the clause is wise where fundamental social change is contemplated, to allow a five-year period of reflection, thought and debate. This is such a matter, and the federal Parliament, with exclusive jurisdiction, should do so in this case.

The Acting Speaker: Before I recognize the next speaker, there are a number of conversations on this side of the room. I would appreciate that we pay full attention.

Mr. Ernie Hardeman (Oxford): I rise today to raise important questions on the bill up for debate. Any bill which amends 73 different Ontario statutes—statutes that were all passed into law by past and present members of this Legislature—deserves significant discussions and questioning.

The proposed bill, the Spousal Relationship Statute Law Amendment Act, 2005, will amend any and all statutes that contain the term “spouse,” “spousal,” “marriage,” “marital,” “husband,” “wife,” “widow” and “widower.” This bill removes any reference of gender, along with any gender-specific language, from Ontario law. In its place, it will use the term “spouse,” which will now include opposite-sex couples and same-sex couples who are married or who live together in conjugal relationships outside of traditional marriage.

The charter and past court rulings clearly state, as was stated again by our Attorney General today, that it is a federal matter to determine the definition of “marriage.” This is clearly set out as a responsibility of the federal Parliament. It is our job as provincial legislators to deal with the solemnization of marriage, and I support the effort to ensure that our various religious freedoms and rights are protected.

I’m also pleased to report that John Tory has urged members of our caucus to vote according to our own consciences, unlike the Dalton McGuinty members, who will be whipped to vote in support of the government of the day’s bill despite their own consciences or beliefs. My colleagues and I have been encouraged and are free to vote how we choose, to best represent the views of our constituencies.

A little history: Until recently, Canadian law and Canadian society took it for granted that marriage was an opposite-sex institution. The definition of “marriage” which has been consistently applied in Canada comes from an 1866 British case which holds that marriage is a union of one man and one woman, to the exclusion of all others.

In a similar light, former Supreme Court Justice Gérard La Forest, speaking on behalf of four judges in a majority in the Egan decision, the last case where the Supreme Court addressed the definition of marriage directly, famously said the following:

“Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate reason transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.”

I point out again, this is what the Supreme Court of Canada actually said.

Many say that same-sex marriage is a fundamental right, and I reply: If same-sex marriage were a fundamental human right, we’d have to think of the implications. If same-sex marriage is a fundamental right, then countries such as the United Kingdom, France, Denmark, and Sweden are human rights violators. These countries, largely under left-wing governments, have upheld the traditional definition of marriage while bringing in equal rights and benefits for same-sex couples. It’s interesting that no national or international court or human rights tribunal at the national or international level has ever ruled that same-sex marriage is a human right, nor has the UN or any other recognized coalition organization.

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The Liberals have spent years repressing free speech rights for independent political organizations, from the Canadian Federation of Independent Business to the Canadian Taxpayers Federation, that might want to speak out at election time. They have consistently violated property rights and have clearly put the rights of criminals ahead of law-abiding citizens. The Liberal government has ignored the equality rights of members of minority religious groups in education, even after international tribunals have demanded action—the very same tribunals that have never once stated that same-sex marriage is a human right.

Ontarians and Oxford county residents know that their cultural values could come under attack if this law is passed. They know that we could see disputes in the future over charitable status for religious or cultural organizations that oppose same-sex marriage. New Ontarians, many of whom have chosen Ontario as a place where they can practise their religion and raise their families in accordance with their beliefs without interference, know that these legal fights will limit and restrict their freedom to honour their faith and their cultural practices.

The institution of marriage is a central and important institution in the lives of many Ontarians. It plays an important part in societies worldwide. In this light, I’ve heard from hundreds of my constituents, who overwhelmingly urge me to do whatever I can to help maintain the traditional definition of marriage. I have received hundreds of personal letters, e-mails, faxes, phone calls and personal visits. I’m quite sure that each and every member here in this House today has received them as well. Overwhelmingly, these communications have been from constituents urging me to help maintain the definition, as defined by the Supreme Court of Canada, that being “of one man and one woman.”

From the Toronto Star today, Mr. Bryant was quoted this morning as saying, “Same-sex marriage is part of the fabric of Ontario life.” Mr. Bryant, I would like to welcome you to come to speak to the constituents of Oxford county, as they have been quite clear regarding their thoughts. My office could surely coordinate such a visit by our honourable Attorney General.

This bill does not directly change the definition of marriage, as that is clearly within the federal jurisdiction.

This bill is to do with the solemnization of marriage and, more importantly, is in response to the Supreme Court ruling. The Supreme Court has essentially said that we must enact this legislation. I do have some significant concerns regarding the pending changes of such a fundamental aspect of our society. I'm increasingly concerned about the implication this change will have on our religious faith communities and service and charitable organizations. Most religious faiths traditionally have upheld the belief that marriage is a child-centred union of a man and woman, whether Catholic, Protestant, Jewish, Hindu, Sikh or Muslim. We have already seen a Catholic Knights of Columbus hall challenged before the BC Human Rights Commission for refusing to grant permission for a same-sex wedding reception on church-owned property. We've seen civil marriage commissioners in British Columbia, Saskatchewan and Manitoba who have religious and philosophical objections to same-sex marriage removed or threatened to be removed from their position by their government. We've heard the federal Minister responsible for Democratic Reform saying that such employees should be punished or fired. We've seen the federal Minister of International Trade saying that churches, including the Catholic Church of Quebec, have no right to be involved in such a debate. I read with interest in today's Toronto Star that under this proposed amendment civil officials can be forced to perform same-sex marriages regardless of their personal, spiritual or religious beliefs. Mr. Bryant's comments on this are very concerning.

There are things that can help protect these fundamental freedoms. We can help ensure that no religious body will have its charitable status challenged because of its beliefs or practices regarding them. We can help ensure that beliefs and practices regarding marriage will not affect the eligibility of churches, synagogues, temples or religious organizations to receive the same protection and benefits afforded to them today. We can help ensure that no religious leaders will be forced to perform a practice to which they object.

I rise today to encourage my colleagues on both sides of the House to work together and do whatever it takes to ensure that these necessary protections in this bill are put in practice and into law, knowing that this bill will be passed, but not with my support.

I would like, if I might, to share the time that's left with my esteemed colleague from Oshawa. Thank you very much, Mr. Speaker, for giving me that time, and thank you again to the House for listening to me.

Mr. Ouellette: Again, I very much appreciate the opportunity to speak on this, because I have such a strong passion for it, as do so many individuals on all sides of this issue.

As I was stating earlier, the concern of many groups—the churches I was in yesterday and the churches I was in this morning and last night—is that this is not a beginning or an end but a midpoint. The concern brought forward to me by the secretary of the Canadian Conference of Catholic Bishops was that they anticipate

a court challenge on this issue. They are hoping that this legislation—although they haven't had a full opportunity, to my understanding—is going to contain all the protections they are looking for and will be utilized in support of them when that court challenge comes against them. To quote the statement by the Canadian Conference of Catholic Bishops, "The Catholic church will continue to celebrate the sacrament of marriage as the union of a man and a woman. We expect freedom of conscience and religion to be respected by federal, provincial and territorial governments, so that no one is compelled to act contrary to his or her beliefs."

As I was stating earlier, whether it was the Baptist church or the Pentecostal or any of the denominations I was in, in the last number of days, the belief is that the legislation has been brought forward due to actions in the courts and that the courts are going to be deciding this issue at a later date. They have strong concerns that the legislation that has been brought forward today is not going to protect all their needs, or have the ability to do that. Marriage commissioners, as was pointed out to me today, will not be protected in their ability to determine, based on religious beliefs. They also inquired regarding the implications for education and their ability to teach in their schools and what would happen there. There was no response, according to what was passed on to me, when they asked for support and specific guarantees within the legislation when it was being brought forward.

I have contacted the individuals in my riding. I have listened to the churches, to the individuals. In the past, I have treated people from all facets of life with respect, and I expect to be given the same treatment. Today, I just want to emphasize that my belief is that the definition of marriage in Canada should remain as "the union of one man and one woman, to the exclusion of all others," and I endorse Mr. Flaherty's position to move forward with the notwithstanding clause on a federal basis to ensure that people have the time to reflect on the full implications of this legislation.

I thank you for the opportunity to speak today.

The Acting Speaker: Are there questions and comments? The member for Toronto—Danforth.

Ms. Marilyn Churley (Toronto—Danforth): Thank you, Mr. Speaker. I'll have an opportunity to speak on this bill a little later.

Listening to a number of the members from the official opposition, the Conservatives—I guess I would have a whole different take on it. I want to quote from Libby Davies, who is an NDP member of the House of Commons. She said what I found to be a very interesting thing about what this means: "People are worried about losing their sense of tradition. Rather than MPs fuelling and exploiting that fear, we have a responsibility to tell Canadians that this is not about fear. It is not about something ending. It is about something beginning."

I really like that, because it encapsulates for me what this is all about. There is nothing fearful about this. There are people getting married in Ontario, and there have been since the ruling. The world hasn't come to an end.

All my married friends—I admit, I'm not married. I'm living in sin, and proud of it. All my friends who are married continue to be married. It's happening already. As the Attorney General said yesterday, it's become a part of the fabric of our society. It's happening every day.

It's unfortunate, in my view—I suppose it's human nature—that this housekeeping bill that's being dealt with today is being used as a platform, in some ways as the last kick at the can. This is it, folks. These are the statutes that need to be changed and have needed to be changed since the decision that was made—what?—three years ago. So that's what this is about today.

1650

Ms. Laurel C. Broten (Etobicoke–Lakeshore): I'm pleased to join in the debate on second reading of Bill 171 and I'm proud to stand and speak in support of the removal of the last hurdle in provincial law to substantive equality for gays and lesbians in Ontario.

I'm also pleased to be part of a Legislature that will, if this legislation is passed, put an end to the discriminatory practices in our provincial laws, which unfortunately at present are inconsistent with court decisions under the Charter of Rights and Freedoms which gave same-sex couples the right to marry almost two years ago.

This bill protects rights and freedoms and celebrates diversity. It also protects religious freedom and religious officials, who cannot and will not be compelled to perform marriages against their religious beliefs. All of these rights and freedoms arise out of our Charter of Rights and Freedoms, a charter in which I believe so strongly and of which all Canadians should be so proud, but a charter that does not allow you to pick rights and freedoms. You cannot pick and choose which ones you will allow.

I want to close by commenting on the comments about whether we are losing or gaining and make a comment that my marriage and my relationship with my spouse is my most treasured relationship in my life. My husband Paul, as I've said in this Legislature, is my biggest supporter, my confident, my best friend. Our wedding day almost 14 years ago was a day of celebration upon which we look with fondness and upon which we've since built a life together. I'm proud to stand in support of a bill which provides nothing more than for all couples to enjoy the same privileges and receive the same recognition of their love and partnership as we have.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I too am pleased to stand today and join this discussion and debate with regard to Bill 171. The preamble to this bill implies that this Legislature has debated and passed legislation granting same-sex couples the right to marry by stating, "The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry." As this assembly does not have the authority to decide who may or may not marry, that sentence should be removed. The authority to decide who may or may not marry is at the sole discretion of the federal government.

I believe in the traditional definition of marriage as being the indivisible union of one man and one woman, to the exclusion of all others. I hold this belief because of my deeply held religious convictions.

I am, however, pleased that in response to myself, colleagues of mine and others, religious officials will be afforded protection from being forced to perform same-sex marriages. I'm disappointed that the same protection will not be afforded public officials. I also have concerns that we will not be able to guarantee that protection even though we're writing it in this bill. There will be challenges to a religious official's right, because of their beliefs, to choose not to perform the solemnization of a same-sex marriage, and that I do have some concerns about. Their rights could be challenged in a further court case down the road. I can't predict the future. I'm glad that provision is in there, but I do have my concerns about them being able to uphold that. I believe the protection should be afforded to public officials as well.

Mr. Bisson: I was listening to some of the comments made by my friends and colleagues in the Conservative caucus. Some of it is based on their belief and faith, and I understand and respect that. I understand that's something that is very much a part of people. But I want to remind people that there are gay people in all churches, and that they too, in those churches, have religious beliefs that are very deeply felt and are very much a part of their daily lives. Something inside me doesn't feel right when we try to base this debate strictly on the issue of religious belief, because there are people on both sides of this issue who are very spiritual, who live their religion and their faith every day, who want to go to church and worship and who want to feel welcome when they walk into that church to worship with their brothers and sisters in that particular congregation.

I've had conversations with people, as I'm sure all of you have had with people in your communities, who are gay and who are people of faith. Some of them are very disturbed by some of the comments that have been made—I'm not saying this about these particular members—by some people within our community who try to couch this as if it's an us-and-them kind of thing and those people with faith can only take one position. The reality is that, as in society, we have many people who have many different beliefs within the church and outside the church, and I want to remind people of that.

I also want to say again that I really believe the public is further ahead than are we politicians on this issue. If we look at the polls and at the anecdotal experiences we've had in our ridings, the public understands this far more than we do. We, as politicians, and the media make this out to be a huge issue when, quite frankly, the public is saying, "Move on. The courts have decided. We understand this. It's somewhat controversial for some people but we need to move on." I think we should sometimes listen to the public a little bit more closely than we purport to be listening.

The Acting Speaker: There are now two minutes for response.

Mr. Klees: I appreciate the opportunity to listen to some of these responses.

With regard to the comments made by the member from Timmins-James Bay, I want to make it very clear that I agree that people in this province, in this country, anywhere, certainly should have the rights, freedoms, liberty, dignity and respect, regardless of what they choose in terms of a lifestyle, in terms of how they decide to commit to each other, whether it be in a heterosexual relationship, whether it be a gay or lesbian relationship. Mutual respect should be the foundation of how we view each other in this society, certainly in this province.

I think what we're saying, and it's certainly my view, and many hundreds of thousands and millions of people would share this view as well—I can say to the member from Timmins-James Bay—that it's a function of respecting each other. No one wants to take away anyone's rights, but let's also consider the rights of those people who, for centuries, have considered the traditional definition of marriage a cornerstone of society and the foundation of their family.

Why would we not want to respect and allow those people to have their traditional definition of marriage, and at the same time afford the rights and responsibilities of a conjugal relationship to gays and lesbians who choose to make that commitment? But let's not interfere with that traditional definition of marriage. That is at the heart of this debate. I would ask that we consider this debate on the basis of that mutual respect for meaningful equality.

The Acting Speaker: Time for further debate.

Mr. Peter Kormos (Niagara Centre): Speaking not only on my own behalf but, as well, as the justice critic for this NDP caucus, I can tell you that this caucus is united in its response to this legislation, and that when any one of the members of this caucus speaks to this bill, to this matter, they speak of course for themselves, but they speak as well for New Democrats here at Queen's Park, across the province and across the country.

1700

Look, this is Canada, and it's fundamental that in Canada the rule of law prevails. I believe in that very much. I have been to places in the world where that isn't the case, and I have read, just as you have, about even more places in the world where that isn't the case, where the rule of law does not prevail. If you go to those places, or if you read about them, you visit with and read about people who on a daily basis struggle and struggle to the point of giving their lives in the pursuit of a system wherein the rule of law prevails.

The law in the province of Ontario has been very clear with respect to so-called same-sex marriage since June 2003. The law has been very clear. I'll read you very briefly the summation by the Court of Appeal panel, led by Chief Justice Roy McMurtry, and the court applying the law there, because this talk about judicial activism—what a crock. The Halpern decision wasn't a case of judicial activism; it was a case of a learned panel of

jurists applying the law. The law that they applied was, amongst other things, section 15 of the Charter of Rights and Freedoms. This panel of jurists applied the law. That's what we expect our judges to do. That's what they're paid to do. That's what they should be doing. This court applied section 15, part of the Charter of Rights and Freedoms, which I recall being adopted by federal Parliament. I recall the national pride upon the occasion of the repatriation of the Constitution, and the pride, as Canadians, that we had a Charter of Rights and Freedoms that was adopted by Canadians not just for the generation of Canadians who adopted it but for their children and grandchildren as well.

We expect our courts to apply the law. First the divisional court, and then a very august panel of the Ontario Court of Appeal applied the law. Quite frankly, the federal government—a majority government; Prime Minister Chrétien at the time—made a political decision in response to the June 10, 2003, judgment of Halpern. Prime Minister Chrétien—again, it was a majority government—made a political decision to not appeal that decision. It was also a legal decision, because I haven't heard any criticism of the quality of the judgment in Halpern. Nobody has suggested that somehow that court, that panel, erred in applying section 15 as they did, or that they went beyond their responsibilities. Surely, if there were any doubt with respect to an error on the part of that court or an inappropriate conclusion on the part of that court, it was the prerogative and responsibility of the federal government to appeal it. It didn't.

The law has been clear in this province since June 10, 2003. I don't want to disappoint the Attorney General, but he's not exactly blazing a new path here. This is, quite frankly, old news. It's old news. Bill 171 simply permits the statutes of Ontario to reflect what the law in Ontario is and has been since June 10, 2003—end of story. In that regard, it bears the most remarkable, not just similarities but parallels, to Bill 5, the response to the decision of M. and H., which was introduced in October 1999. It was October 27, second and third reading—introduced a few days prior. This House unanimously adopted Bill 5, with second and third reading on October 27, 1999, because it was already the law of the land. To not have permitted the statutes of Ontario to reflect the law of the land would have been downright irresponsible on the part of this chamber, this Legislature, and its members.

Look, the rule of law is precisely that. By gosh, I know as well as anybody, having been some time ago a member of a government caucus and for so many other years a member of the opposition here, that laws have their critics. I know that laws have those who wish it weren't the law. That's one of the realities of living in a democracy with an independent judiciary. Let's be very careful about the proposition from those who would want a Legislature to be able to override the Charter of Rights and Freedoms, just as I say we should be very cautious about the arguments that would eliminate the independence of the judiciary by telling them that they are not to apply legislative standards, to wit, in this instance section

15. Understand what that argument embraces and the dangers that it poses.

I hear the criticism as regularly as you do, the resentment of folks out there that the Charter of Rights and Freedoms is available to people charged with criminal offences. Yes. I understand that. But if the rights and freedoms in the Charter of Rights and Freedoms are going to be true rights and freedoms for all—and again, it doesn't require Canadian citizenship. The mere having set foot on Canadian soil gives you those rights and freedoms. If it doesn't apply to everybody, it doesn't apply to anybody. You can't pick and choose who is going to have those rights and freedoms that are contained in the charter. You can't pick and choose; I don't care if you don't like it. It's your right not to like it. But you can't pick and choose who has rights and freedoms; otherwise you risk emulating societies and countries that adopt apartheid as the norm and as an expression of positive values—how perverse.

I know, because along with other New Democrats, we met with leadership from within the clergy, the faith community, and those people expressed their concerns—as a matter of fact, I remember meeting with the last group. It was the very morning that the Supreme Court of Canada reference decision was coming down. We had no idea what the Supreme Court of Canada was going to say about the application of the Ontario Human Rights Code to clergy in the province of Ontario. But New Democrats assured those clergy people that we understood and would fight for their right as religious leaders and as clergy people within religious communities, to not be compelled to marry people when the marriage of those people conflicted with the teachings or standards or values of that specific religious community. Then, lo and behold, the Supreme Court of Canada, in a very interesting direct and indirect way, suggested that there already are rights for clergy people in place, and, in particular, section 18 of the Ontario Human Rights Code, which effectively exempts churches, places of faith, faith communities and their clergy from the application of the Ontario Human Rights Code. This bill, not inappropriately, sort of supersedes that protection with an amendment to the Ontario Human Rights Code, section 18.1, which is very, very specific. If there were any doubt about the applicability of section 18 of the Ontario Human Rights Code, it certainly would be cured or clarified by 18.1.

1710

Similarly, it left no doubt about what the exemption applied to. It applied to not only those clergypeople of whatever faith, but also to the utilization of their—yes, you've heard it before in this debate—sacred places, “sacred places” meaning not just the place of worship, not just the place where people might attend to participate in the marriage ceremony, but, look, it means the church hall. It means the temple hall. It means the place attached to and associated with that faith operation that that faith may not necessarily worship in, but that they use to celebrate events in.

So not only is that supersized—as I say, the section 18 exemption of the Human Rights Code by the amendment section 18.1—but the Marriage Act is amended as well. Section 20 of the Marriage Act is amended, which is the section that creates the powers of clergypeople to perform marriages. Once again, it repeats basically the same thing, that these clergypeople can't be compelled to marry people if it should be at odds with their faith position.

Amongst other things—and I appreciate that Canada may not be at the front of the pack when it comes to dividing church and state—one of the important things to understand when you have a country that guarantees religious freedom is that part and parcel of achieving that religious freedom is, yes, to ensure a separation of church and state.

New Democrats were more than prepared to advocate for and, yes, support clear legislation that says to clergypeople of all faiths that you're not going to be compelled to marry, let's say, a divorcee. I was nominally raised as a Catholic, and in the Catholic Church for a long time—I suppose it is more the exception than the rule now—divorced people can't marry. So nobody is going to be telling Catholic clergy that they've got to marry divorced people. It's their right, because it offends the rules of that faith.

I want to make reference briefly, because others certainly have, to the preamble in the legislation. The preamble—it's been quoted correctly—says: “The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry.” Well, that's not an extraordinary statement at this point in time. It's simply a truism. That is the law in Ontario, determined by Halpern.

Surely this Legislature has a responsibility—and again, whether you personally like it or not, whether you find it offensive or not, whether it rattles your particular little cage or not—you've got a responsibility as a Legislature, in my view, if we're going to believe in and live by the rule of law as a Legislature, as members of this Assembly, to say, “Yes. We endorse the law as it exists.”

I should indicate to you, Speaker, before you catch me short, that every member of this caucus wants to speak to the bill. But in view of the time of the day, certainly Ms. Churley from Toronto—Danforth, our leader Howard Hampton from Kenora—Rainy River and hopefully Rosario Marchese from Trinity—Spadina will have a chance to get comments in.

M. and H. became law. The statutes were amended so as to comply with the law that had been established in the province, the common law, and this bill too, if it passes—I suspect it will; it seems there is all-party support for it—will amend those statutes so that they comply with the law. Then perhaps we can move on to dealing with issues that cause seniors to worry about not being able to live in their own homes in their retirement years. Then perhaps we can move on to talk about restoring hydro to public ownership so that hydro remains affordable, not just for homeowners and domestic consumers, but for

industry as well, and we can move on to talk about rebuilding the education system so that every young person in this province gets the best possible education. I look forward to that.

I want to make something else very clear—it has been said, and I adopt it and say it again—and that is that this province, this provincial Legislature, or any province, doesn't have the jurisdiction, the capacity, to define the capacity to marry. That's within the prerogative of the federal government. But our courts, the Ontario Court of Appeal, sure as heck has got the legal capacity to establish the law as it applies to the federal government. I want to make it clear: Even if this bill were not to pass, I'm telling you, folks, there are going to be same-sex marriages in every city, town and village, lawful ones, across this province, because that's the law of the land whether the bill passes or not. Whether or not the federal legislation that is currently before the Parliament, Bill C-38, passes is irrelevant to the common law of Canada, the law of the land that says it is a violation of section 15 to tell same-sex partners, couples, that they cannot obtain a marriage licence.

I digress. I read Bill C-38 and note the very careful reference, for instance, to civil marriage as compared to, let's say, religious marriage. I note the inappropriate effort on the federal government's part to provide rights for clergy not to marry, because that's exclusively within the provincial jurisdiction. But I tell you, I look forward to seeing federal parliamentarians understand that their job is to enforce the law and uphold it, and to recognize the laws of this land, including the Charter of Rights and Freedoms, as being applicable to every person in this country, in every province, in every territory, regardless of their gender, regardless of their sexual preference, regardless of whether they are citizens or merely landed by virtue of having their feet planted on Canadian soil.

It's that understanding that makes us uniquely Canadian and makes us the destination of choice for people throughout the world, and will continue to do that.

The Acting Speaker: Further speakers? The member for Toronto—Danforth.

Ms. Churley: Thank you, Mr. Speaker, and it's my first opportunity to congratulate you on taking the chair. You look very dignified.

I also want to welcome Reverend Brent Hawkes, who is sitting with us today, as I'm sure we all would—

Mr. Kormos: He should be sitting with us. That was the plan.

Ms. Churley: He should be sitting with us today. He sat through many a speech in this Legislature over the years.

I want to take a couple of minutes to talk about the Metropolitan Community Church, because as the Minister of Health stated earlier, it's in my riding and I guess I could say that Reverend Hawkes is my pastor too. I recommend to anybody who hasn't already visited Rev. Hawkes's church, the Metropolitan Community Church, to do so. I think Rev. Hawkes would agree with me that I perhaps should go a little more than I do, but whenever I

do go to that church, I leave feeling uplifted and spiritually cleansed and ready to move on in a joyful way to accomplish things in my life. The spirituality, the friendship, the joy of that church is absolutely outstanding, and I'll tell you why. Mr. Speaker, I believe you've visited the church as well. Every single human being in that church—it's gays and lesbians and their parents and families and, by now, straight people from all walks of life as well—is there because they want to be there. It's not necessarily, as it is for some people who go to church every Sunday, out of a sense of duty. I'm sure that nobody in this Legislature, like Peter Kormos here, would just go to church on Sunday from a sense of duty.

1720

I mention the church as well because of the huge role that Rev. Brent Hawkes and the church played in getting us to where we are today—just tremendous work, and faith that, if they persisted, this moment would come.

I had the opportunity, along with, I believe, the health minister, who was then in opposition, my leader, Howard Hampton, and other colleagues, to attend an interesting marriage ceremony on January 14, 2001, in that church. It was the marriage ceremony of Kevin Bourassa and Joe Varnell and Elaine and Anne Vautour, who have since become very good friends of mine. I witnessed that marriage. If you don't recall, let me remind you. The Halpern court case had not been decided at that point. What happened in the church was that the banns were published, that age-old tradition, and as a result, the weddings took place. Then both the province of Ontario and the federal government refused to recognize the validity of these marriages. The church commenced legal proceedings to protect its rights to religious freedom and equality. Of course, as we know, the Halpern court decision on June 10, 2003, legally recognized the right for same-sex marriages to take place.

As my colleague, our critic in the area of the Attorney General, said, this is about the rule of law. You can get up and make all kinds of fancy speeches about being proud, and the government members can say, "We're proud to be part of a government that's making this far-reaching decision today; we're proud to be part of that"—whatever. The reality is that I've cried the tears, I've smiled the smiles, and I've danced with joy through the years with the community: the ups and downs of gaining rights gradually over the years. But I have to say today that this, to me, is about the cold, hard, crystal-clear facts of law. That is what we're doing here today. To me, that is what this is all about. As I said earlier, I understand that it's human nature for some who oppose same-sex marriage to use this as an opportunity to have, in a way, a last kick at the can. But this debate isn't really all about that. Of course we have the right to say what we believe in this place, and I'm not going to suggest that anybody should be denied that opportunity. But I do want to say that this bill we have before us today is not about that. It really is about the legalities of a court decision on the charter and human rights. Of course, it is amending

statutes to reflect the Halpern court decision in recognition of same-sex marriage.

I stood up in the House back on June 24, 2004—I know the Attorney General will remember this; I spoke with him at that time—and made a statement asking that the government hurry up and move forward. It was about a year and some weeks since the Halpern decision, and those statutes had not been amended to reflect this landmark court decision. So at that time I encouraged the Attorney General—he'll remember that we had this conversation—to move forward and to move forward quickly, because the law had spoken. It was our duty, then, as legislators to move forward and amend those statutes so they would reflect the actual law that we in this province now have to abide by. I made it very clear to the Attorney General at the time that whenever the legislation was introduced, New Democrats, all of us, would stand in support and do everything we could to make sure that the bill passes as quickly as possible.

Despite the fact that, on the whole, the Conservative Party members do not support the bill before us today, I do appreciate that all of the parties spoke, and all came to the conclusion and the decision that what is happening here today reflects a change in the law in this province and that we are moving forward today in doing that.

I would like to take a few minutes to reflect on some of the comments made earlier by members from other parties. The member from Nepean is waving at me over there, the member for Don Valley West and the member for—where is George Smitherman from?

Mr. Bisson: Toronto Centre–Rosedale.

Ms. Churley: The one I forget, right next door to me—Toronto Centre–Rosedale and others, who spoke very eloquently and movingly, in a way, of the impacts on their own lives and told us, from some personal experience, the impact of not being treated as equals in our society.

One of the Conservative members mentioned something about believing in meaningful equality. I find that an oxymoron, because equality is equality is equality. You can't have meaningful equality. Equality is only meaningful if it's equality. The fact remains that, before this landmark court decision, gays and lesbians in this province did not have equal rights.

I suppose I shouldn't brag about this, but I'm not married. I have chosen not to be married. But I can choose, and I've been able to choose, any time over the years to get married or not to get married. Not all gays and lesbians want to get married either. The difference is that they didn't have that choice. Do you call that equality? That's what this is all about. This is about giving people absolute equal rights.

I'm glad to be able to stand here today. I feel like we're at some closure in terms of the long and difficult road we have had over the years to even get to this point. That is not to suggest for a moment that all homophobia is gone, and that there aren't still a lot of inequalities in terms of how gays and lesbians are treated in our schools, in the job force, in the labour market overall. There are lots and lots of things to do and many roads to travel. As

the member for Don Valley West said, it is our generation that is changing the laws to help make sure that the next generation's attitudes have changed. I like that line.

I quoted as well earlier from a colleague of mine in Ottawa. I don't have that quote with me any more because I gave it to the table and they have it now. It was a good quote. She said that this is a new beginning, that we shouldn't be fearmongering, that it's an opportunity, and that as we get more used to this as a society, we will see more and more, as most young people today already accept, that it's just perfectly normal for couples. Whether gay or lesbian, straight or whatever, people love each other and want to make a public commitment to each other and raise their families together, and everybody, both gays and lesbians and straight people, should have that opportunity.

I'm glad we're doing this today. It has finally come, and I hope very much that we get to the vote today and we can move on.

1730

Mr. Bisson: First of all, I want to thank all members who have participated in this debate. I think all the comments, no matter on what side of this, have been rather interesting to listen to today.

I particularly enjoyed the comments of my colleague Mr. Kormos from Niagara, because I thought he put this in a perspective that only somebody with his background could do, both as a litigator in our courts and also as a person who quite understands how the Legislature works when it comes to rules and what our roles are here etc. I'm not going to repeat what he said, but I agreed with what he had to say.

I want to come at this from a different perspective, and I guess I want to repeat a couple of themes that you've probably heard from me before on this issue. One is that the public is ahead of us on this issue. I want to put this on the record. I want to urge members who are feeling afraid of voting for this legislation not to worry about it. The public gets it. Like some members who have been here for some time, I've had to vote on legislation similar to this. This is the third time. Every time I voted for, the public, even those people who opposed the issue, understood that, as a legislator, from time to time you have to make a decision. There's always a part of society that's in favour and a part of society that's against everything.

I think the public wants us to take a clear position on something, not to waffle one way or another, but to say you're for or you're against and give your reasons why, but more importantly, to be respectful of the other side. That's really important here.

I accept that there are people who really have challenges dealing with this issue. They do it on the grounds of all kinds of reasons, and I accept that. I just say to those people: I hear you, but society moves long and we need to deal with these issues. I heard somebody earlier make the comment, "We're making comments in regard to Mr. Kormos's comments around basically what the court did is what we want all courts to do in a system like ours, and that is to rule on the word of law and to make sure Parliament is following the law and that Parliament

is not above the law." That is exactly what the courts have done. He commented about how, in many countries, they don't have the benefit of the type of system we have. He pointed out that many people die trying to get that very thing.

Somebody made a comment afterwards, and I thought it was an interesting one, saying, "Courts have made decisions equally opposite on the other side on this particular issue," and I hear you, but I also remind people that society moves on. There used to be a time when, for example, if you go back to the 17th and 16th centuries, there were practices in society we would not support today. Why? Because society has changed. We look at things differently.

Yes, the law might have been based on a particular idea, but the principle is that, under law, everybody is treated equally, and those definitions move on with time. I remind people that if we use the analogy that we can't change things at all for whatever reason, we would still be living back in the Dark Ages, but the reality is that, as a society, we move forward.

I want to say that I'm respectful of those people who have an opposite view. I recognize that it challenges some people, but at the end of the day this will not change how we look at ourselves and at marriage. I've been happily married now for 29 years; my wife, I'm not so sure. Some days it's a challenge, let me tell you. I came home last week and, of course, being on the road as we are as MPPs, she was somewhat upset with me for not being home as often as she would like. But the point is that we've been married for 29 years now. I am not challenged in that relationship I have with my wife in regard to somebody's wish to enter into a union that they call marriage. It doesn't challenge me. I am married to my wife. I love my wife. I know she loves me. It's a decision that we made some years ago that we still stick to. We did that within the confines of the Catholic Church, and I am not threatened as a Catholic by other people wanting to make a choice to marry within the union.

Again, the churches are going to have the right at the end of the day to decide, whether it be the Catholics or the Pentecostals or whoever, if they want or don't want to marry somebody within their church. That will be their decision. People will go to the church of their choice or to a civil ceremony in order to be able to marry.

I also just want to say that I have heard this debate in my community, and I want to speak to it. I tried to get into it a little bit earlier, and some of the Conservative members thought maybe I was talking about them. That's not necessarily where I was going. Some people have taken the view on this debate that, "This attacks me as a person of faith," and that somehow or other that was an issue that just people of faith had to have. I've had people come to me and say, "It's us and them." I just want to say again that there are many people of faith who happen to be gay or lesbian, who believe deeply in the faith, whatever it might be, and want to be able to practise that faith within the church. There are other people within the

church who say, "I accept that, and I'm prepared to accept those people into my church." It is very hurtful, I think, for both of those groups when we take an extreme position. I know it challenges, and I know it's hard for some people to accept, but I just ask, let's be mindful.

I'm a reader of theology, to some degree. I'm not a practising Catholic, but I am a reader of theology, and I find it very interesting.

Interjection.

Mr. Bisson: No, I'm not going to read that one.

I would just say this here: Christianity and other religions are about tolerance; they're about love. They're about how people are able to live together in some harmony. I can't believe that Jesus Christ or whoever else you might believe in would come of the view that because a person happens to be gay, somehow or other they shouldn't belong and shouldn't be part of our society and shouldn't be able to practise within our churches. So I just want to put on the record that I think we need to be mindful of the views of other people and the practices of other people.

I just want to come to the last point. I know to some people in politics this is a bit of a hot-button issue. We've watched the debate unfold in Ottawa, and some people have used this to their own advantage, as far as being able to trump it up as trying to be on the right side of the issue, as they see it, thinking that if they vote in opposition the voters back home will be happy with them and vote for them in great numbers. I just want to say that that's not where the public is at. The public on these issues, quite frankly, is way beyond that.

I remember 1995 distinctly: Each and every New Democrat who voted in opposition to same-sex legislation prior to 1995 was defeated. Not one member of this assembly was re-elected on the basis of that issue. I just remind people that the public is far more intelligent—not "intelligent"; that's the wrong word—is far more ahead of us on these issues than we sometimes give it credit for. The public believes that there is a number of issues that we deal with. Sometimes they're with us, sometimes they're against us, but they expect that we make principled decisions, that we be respectful of the other side, and that's what this debate should be all about.

I just want to say again, for the third time now since I have been here for 16 years, that I will be voting in favour of this legislation and urge all other members to do the same.

The Acting Speaker: Seeing no other speakers, questions and comments?

1740

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): We've heard a lot in the last few hours about things such as "This is housekeeping" and "This is to bring the legislation in line with court rulings." But I think it goes much deeper than that. I can remember only one other time that I've struggled so much with a decision. This goes far beyond party lines; it goes to the core of what

we believe in. I know the majority of my constituents and what they will say, and they would say they are opposed.

The act clearly states that my church and my religious beliefs have the right to refuse to be a part of any marriage. It says that very clearly in the act. I'm a practising Catholic. I attend every Sunday with the man that I have been married to for 35 years. Our marriage is defined not only by our church but, more importantly, by us, by our children, our family and our friends.

As a parent, I have taught my children kindness and tolerance. The golden rule governs all. It says, "Love thy God; love thy neighbour." It doesn't say, "Love thy neighbour, except if he's a different colour or from a different religion or from a different gender orientation." We are told that God's love is unconditional and that we should live our lives by that rule.

So I will be voting my conscience. What I want to do is reinforce what I have told my children are the greatest values of all—love thy God; love thy neighbour—and so I will be voting in favour.

Mr. Ouellette: I wish to comment on the member from Niagara Centre's comments. He expressly stated that it was the rule of law and the court of law that came forward. We have been elected as representatives within our ridings to make those laws. There are laws that are brought forward and there are laws federally and provincially that have allowances in there.

What I would ask the member is—I'm talking about the notwithstanding clause—when you talk to the Conference of Catholic Bishops' representative, as I did today, the concern was that this is going to be challenged in court and their position and abilities and beliefs will be taken to court. The reason they're being taken to court is that some other group believes that they are going to win, and, as the member knows, there's always a winner and loser in court.

My question would be: What would the member's position be should the courts rule against them and then come forward and say, "You will have to perform those marriages against your beliefs"? That is my concern brought forward, as expressed by the Conference of Catholic Bishops today.

Mr. John Wilkinson (Perth–Middlesex): I'm also pleased to join in the debate. I want to tell you, I remember a time when I was with the member for Lambton–Kent–Middlesex. It was the summer of 2003. We were at the Middlesex cattlemen's barbecue in Poplar Hill, Ontario.

I remember this clearly. It was 2003. The Halpern case had come in. The previous government did not appeal that decision, and therefore it was a hot-button issue. I remember that I met a wonderful lady there. She was sitting on her lawn chair eating her beef dinner, and I shook her hand. I told her who I was and what I was there for. She grabbed me by the hand, she pulled me in

tightly and she said to me, "Young man, I need to know your position." I said, "About what, ma'am?" She said, "About same-sex marriage." Of course, I said, "Well, ma'am, my mother taught me never to talk about sex in public." She laughed, but then she looked me straight in the eye, and she said "Really. I really need to know." I said, "I'll tell you, ma'am. I'm a practising Roman Catholic. I've been married for 20 years. I believe personally that marriage is a sacrament between a man and a woman and God. But the state tells me that I can divorce my wife. My religion tells me that I cannot."

So I have always known that there has been a difference between state marriage and religious marriage. The Good Book says, "Render unto Caesar that which is Caesar's; render unto God that which is God's."

In this province I get to be a practising Roman Catholic because of the Charter of Rights and Freedoms. The reason I can be in this House as the first Roman Catholic ever to represent this riding is because of the charter, in my opinion. It's disingenuous for me to say that there are some rights for some and not for all. I feel that in this matter it is very important for us to remember that this Legislature has decided to balance those needs and protect the rights of the religious based on religious grounds not to perform marriages which are against their belief system but, more importantly, that each and every member of this province is equal and will always be treated so by this Legislature.

The Acting Speaker: Further questions and comments? Seeing none, two minutes for reply.

Mr. Bisson: I'd just like to thank the members.

The Acting Speaker: Is there any further debate?

Hearing none, the minister has an opportunity to reply. That is declined. It is now time to put the question.

Mr. Bryant has moved second reading of Bill 171, An Act to amend various statutes in respect of spousal relationships. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those against, say "nay."

In my opinion, the ayes have it.

The motion is carried.

Shall the bill be ordered for third reading? Agreed. Therefore, so ordered.

Hon. David Caplan (Minister of Public Infrastructure Renewal): I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that we adjourn?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

The House stands adjourned until 6:45 p.m. this evening.

The House adjourned at 1745.

Evening meeting reported in volume B.

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Mercredi 23 février 2005

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 23 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 23 février 2005

The House met at 1845.

ORDERS OF THE DAY

GREENBELT ACT, 2005

LOI DE 2005 SUR LA CEINTURE DE VERDURE

Mr. Gerretsen moved third reading of the following bill:

Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Gerretsen.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I will be sharing my time with my parliamentary assistant for rural affairs, the member from Lambton-Kent-Middlesex, and the Minister of Agriculture and Food.

I am very privileged and honoured today to begin third reading on Bill 135, the proposed Greenbelt Act. This proposed legislation is a priority of our government and it's a priority of the people of Ontario. Since we began the process of trying to establish a permanent greenbelt in the greater Golden Horseshoe, I've heard from many Ontarians who applaud our efforts and the directions we propose to take.

I might say, at this stage, that it has been a 15-month process that started off with a minister's zoning order and the original Greenbelt Protection Act. I want to take this opportunity to thank the ministry staff, my own staff, the people of Ontario who attended the numerous public meetings that were held by both the Greenbelt Task Force and our ministry, and the members who came to the standing committee on general government, chaired by Linda Jeffrey, which was another full day of debate and presentations that took place there. Whether or not you're in favour of the greenbelt or not, I would like to

thank them all for being involved in the democratic process. Many individuals were involved, both from the ministry and from the general public.

1850

I've met during the consultation process and I've talked, as I've been speaking on the proposed greenbelt, at venues across the region. The ministry has received thousands of letters, e-mails and faxes. Ontarians are eager to share their views and offer their support. They clearly see the benefits of the proposed greenbelt plan, and respond to the vision behind it. David Donnelly of Environmental Defence Canada said that our plan "stands on par with the introduction of OHIP and the public school system in terms of Ontario history."

Ontarians know we need to take the right steps now to sustain a high quality of life in the future. They want to see the plans and policies put in place to curb urban sprawl; save our rural areas, our forests and farmlands from being paved over; preserve the natural environment and protect our ecologically sensitive areas from disturbances; and ensure clean air, clean land and safe water. They understand that our proposed greenbelt legislation and the draft plan are the keys to getting us there.

Let me remind the House what our greenbelt plan would do, should it be passed. Fundamentally it would respond to the challenges of projected growth. By the year 2031 there will be four million more people in Ontario than there are now, bringing the population total to 11 million people just in the greater Toronto area. To accommodate them properly—to ensure we have the schools, hospitals, public infrastructure, roads and transit systems, homes, factories and offices that they'll require—we must plan carefully for long-term growth, and this plan is part of showing how we are doing that.

A key component of this long-term planning lies in curbing sprawl and protecting agricultural and environmentally sensitive lands. These are the core functions of the proposed greenbelt. Our government knows that greenbelt protection and growth management must work hand in glove, and that's why we're moving forward simultaneously in both areas. Together, these two initiatives—our proposed Bill 135, the Greenbelt Act, and Bill 136, the Places to Grow Act, introduced by my colleague the Minister of Public Infrastructure—would, if passed, enable a scale of regional and provincial planning that has never occurred before in the history of this province, and they would make a real, positive, across-the-board difference to the future of Ontario.

Our proposed plan for greenbelt protection is visionary yet practical. A recent editorial in the Toronto

Star said it "is a bold bid to safeguard open space by virtually preventing all further development on more than 7,000 square kilometres in the Golden Horseshoe" area. It would more than double the area now protected on the Oak Ridges moraine and the Niagara Escarpment. It would protect specialty crop, prime agricultural, environmentally significant and rural settlement lands within the Golden Horseshoe, supporting agriculture as the predominant land use. The proposed greenbelt would be protected from major urban development. It would link lands already protected on the Oak Ridges moraine and the Niagara Escarpment into a continuous band of green space. More than half of the area—about 542,000 acres—would encompass a natural heritage system where the first priority would be protecting, restoring and reconnecting natural features such as wetlands and woodlands and their associated functions. This emphasis on protection and enhancement would be balanced with opportunities for farming, compatible recreational and tourism uses, and resource uses.

Quite frankly, our proposed greenbelt is critical to Ontario. We need to act now to protect the green space being relentlessly reduced through development and sprawl—yet the existence of which is so imperative to maintain the strong communities, healthy environment and thriving economy that are so necessary for a strong Ontario.

Consider the following. Ontario's prosperity depends upon the ability of the greater Golden Horseshoe area as Canada's prime and premier wealth-generating region to compete with major city regions across North America and around the world. If we are to continue to attract business and investment, high-value jobs and the most talented people to our province, it is fundamental that we offer them a high quality of life. That means ensuring focused growth, reducing gridlock and giving individuals and families the option of escaping the concrete jungle for the parks, trails and open spaces of the healthy outdoors. If we are to continue to feed the people who live in Ontario now and who will be moving here in the future, we need to protect our ability to grow fresh produce and ensure that we are not unduly dependent on imports from other countries when getting food across borders cannot always be counted upon.

Further, Ontario's agri-food industry contributes more than \$30 billion to the provincial economy annually and employs more than 650,000 people. By protecting the fertile agricultural lands in this area, we are hoping to ensure the continuing strength of this important industry. If we are to secure our environmental legacy and make sure Ontarians remain healthy, we must act conscientiously to protect our air, water and land.

For instance, the forests, meadows and wetlands in the Golden Horseshoe absorb the water that is filtered through the ground, that is deposited in the aquifers that help to provide clean, fresh water for about 7.5 million Ontarians. We simply cannot tamper with that. Water is a necessity of life and we can't allow its natural progression to be threatened by sprouting subdivisions and unfocused sprawl.

If we are to ensure the continuing enjoyment of Ontario's beautiful countryside in one of the most heavily developed regions of Canada, we simply have to act now. But there are a number of people who seem to think that we can wait, and let me deal with some of the concerns expressed by them during our consultation period.

First, some believe that every acre of land we've included in the proposed greenbelt needs a new scientific study to back up its inclusion in the greenbelt.

The designation of the proposed greenbelt area is the result of a complex combination of technical science and land use planning. The proposed greenbelt was developed through a combination of technical, scientific and land use planning analysis to identify areas for permanent protection.

We have used the best methods used by municipalities and their planners in drafting their own land use planning policies. It's the method used by previous governments in developing protections for both the Niagara Escarpment and the Oak Ridges moraine.

The systems approach that has been used for identifying the greenbelt area is based on municipal and conservation authority data and builds on the systems approach of the Niagara Escarpment and the Oak Ridges moraine conservation plan. This includes a natural system: natural heritage and water resource systems developed by the Ministry of Natural Resources; an agricultural system, including specialty crop, prime agricultural and rural lands, commonly referred to as the LEAR system, developed by the Ministry of Agriculture and Food; and settlement areas that include towns, villages and hamlets, as designated in municipal official plans.

There are many land uses in existence today, such as junkyards, cemeteries and landfills, that may not meet with our goals for the proposed greenbelt plan's protected countryside area. But it's important to note that we are dealing with many land uses in areas around towns and villages in the greenbelt that already exist legally. That's why the greenbelt has to be based not just on good science but on good land use planning principles as well.

1900

After extensive consultation with stakeholders and municipalities, we are focused on making improvements and refinements to the plan. While these arguments alone should stop these naysayers in their tracks, if the science is of so much concern, why does Dr. David Suzuki, together with 74 of his learned colleagues, academics and scientists, support our greenbelt? They simply have no concern about the science, because they know it's there, and we have chosen to listen to them.

In addition to the individuals I just mentioned, we have endorsements from numerous municipal leaders in both the 905 and 416 areas, the Ontario College of Family Physicians, the Environmental Defence League, and many, many other endorsements that it would simply take too long to deal with at this stage.

Second, there are those who believe we must address the viability of farming before we protect valuable

agricultural land from development. They say we must support the farmer to protect agriculture. We agree with that. The proposed Greenbelt Act and draft greenbelt plan would preserve existing agricultural uses and support and enhance agriculture and agriculture-related activities. The Minister of Agriculture and Food will speak on these issues to a much greater extent later on.

Where land values are concerned, experts considered that the plan would have little effect in this regard. Farmland is currently assessed on its value as a farm, and farm-to-farm sales are used when determining values. This will continue under the proposed greenbelt.

Many have asked that they be compensated for the loss of perceived future opportunities. This will not occur. It has not occurred with respect to the Oak Ridges moraine and the Niagara Escarpment. Landowners cannot expect to be compensated for any assumptions they may have made that at some point in time their farmland might be zoned for urban development. Both the agricultural advisory team and the Greenbelt Task Force confirm that understanding. As Burlington mayor Rob MacIsaac, chair of the Greenbelt Task Force, noted, "Certainly there will be some people who were speculators or some people who were counting on turning their farms into big subdivisions. Those people will be disappointed. But they never really had the right to do that."

We are simply not taking any existing rights away. There is no automatic right of increased development in Ontario or anywhere else in Canada. Our government is committed to preserving the current rights of our agricultural landowners while giving them the flexibility to expand and improve their operations. Our plan would protect the farmers, the farmlands and the rural way of life, and ensure the strength and growth of the agricultural industry.

Third, some say that by containing sprawl and protecting land in the Golden Horseshoe, house prices will skyrocket. This government is well aware that we will need housing for the four million more residents we expect in this area over the next generation. That is why we have left a significant amount of land available to develop if such a need is determined. Our proposed plan would ensure room for urban areas outside of the greenbelt to accommodate the long-term growth. The proposed growth plan will direct how this growth will be accommodated, and urban areas currently designated within the boundaries of the proposed plan will remain available for development, subject to normal municipal planning processes.

In the short term, GTA municipalities have at least a three-year supply of serviced land for residential units approved for development. This level of supply is customary in most municipalities in Ontario. Over the medium term, many GTA municipalities have a 10- to 15-year supply of urban land available for residential development. Over the long term, the proposed greenbelt plan leaves about 150,000 acres of land available for development across this area, for both residential and business development.

In addition, our new provincial policy statement will encourage more compact development to accommodate growth more efficiently. Municipalities will build at higher densities and promote infill and brownfield redevelopment. This would help ensure that the supply of land currently designated for future urban development lasts even longer. My colleague Minister Caplan, as I mentioned before, has proposed a growth plan that will focus on that issue on a regional scale.

Additional variables that factor into the price of land and housing are delays in development approvals, lack of certainty as to whether development can occur, availability of servicing, and interest rates. Attempts to pin the rising cost of housing on a greenbelt are simplistic at best and misleading at worst. We are tackling growth and development issues on numerous fronts, and we're doing it because it needs to be done.

Fourth, some will say that we need to have an appeal mechanism for the greenbelt. A legacy is not something that should be weakened. I would just refer people once again to those sections contained in the Greenbelt Act that deal both with the 10-year review and with any review that takes place within those 10 years: sections 10 and 11. I won't have the time to go into it, but there is a full public process laid out therein that makes sure that people, in effect, will have their say. It simply cannot be done right away.

I'm getting notes here at the same time, Speaker.

The government consulted with the public and stakeholders, the Greenbelt Task Force consulted with the public and stakeholders, and we extended the consultation period to discuss the draft plan and the proposed greenbelt boundary in greater detail with municipalities.

A greenbelt boundary will not simply float; it will be anchored. The provision in the act specifically states that if, for any reason, an acre of land is taken out of the greenbelt, it should be supplanted with another acre of land.

Interjections.

Hon. Mr. Gerretsen: This is much stronger than anything that currently exists in any legislation, and I believe the members of the opposition know that as well.

I am going way over my time, so I will cut this short.

Fifth and finally, others are concerned that we are proposing to allow too much development in the greenbelt. Roads may be needed to support the vibrant rural communities in the greenbelt, linking them to each other and to other communities across southern Ontario. Aggregate extraction will be allowed but will also be subject to more rigorous rehabilitation requirements than ever before. These are resources we need to build roads and housing for the coming population growth.

Policies dealing with these issues and others will be addressed not by the proposed act but by the greenbelt plan that would be authorized by this act. I really want to stress that. We are dealing tonight with the enabling legislation. I can tell you that changes have been made to the draft plan to deal with many of the concerns that I've outlined so far. Policies dealing with these issues and

others will be addressed, as I indicated before, in the plan itself.

We released the draft greenbelt plan as an integral part of the proposed legislation that we are debating today. This plan identifies where urbanization could and could not go in order to provide permanent agricultural and environmental protection. It also includes detailed maps that clearly illustrate the designated areas and the land uses proposed. It is based on the recommendations of the Greenbelt Task Force, which, as I mentioned before, consulted for months.

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Our government is fully aware that we must ensure the continuing relevancy and currency of our proposed greenbelt. Bill 135 would commit to the plan being reviewed every 10 years. This would give us the ability to reflect on the changes in policies and revisit the levels of protection given to key features or land. As always, the public not only would be invited to take part in but are an integral part of the review process, as clearly set out in the act.

Finally, this government is taking full advantage of that opportunity to achieve something extraordinary. It's an opportunity to create a great legacy for future generations of the province. It will also be a great legacy for you, Speaker, for those of us in the Legislature, for every person here and for every person in the city of Toronto and in the greater Toronto area.

The proposed greenbelt is a visionary response to long-term growth. It would protect the green space that we all value so much. It would ensure that our fertile and environmentally sensitive lands would not disappear under concrete and paving. It would enable us to pass on the gift of open space and countryside to the children of the next generation and the generations to come.

Our government understands that permanent greenbelt protection, combined with solid growth management, is mandatory for ensuring a high quality of life in Ontario, now and in the future. I urge all of us in this Legislature to support this bill.

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): I will be sharing my time with the member for Elgin-Middlesex-London.

I am glad to join Minister Gerretsen in speaking on the importance of Bill 135, the proposed Greenbelt Act. This legislation is imperative to a strong and healthy Ontario, now and in the future. Minister Gerretsen has worked tirelessly on this greenbelt initiative for just this reason. He feels that the greenbelt represents this government's legacy to generations of future Ontarians. I feel that the greenbelt is also a tribute to him and his efforts. These efforts included talking repeatedly to thousands of members of the public, farmers, representatives of environmental groups and municipalities over the past 14 months. He repeatedly said that he is determined to get it right.

I applaud his efforts. But I am not the only one to do so. Municipal leaders, stakeholders and, yes, even members of the opposition have recognized and commended

Minister Gerretsen for all the work that he has done to bring this landmark initiative to fruition. Municipal leaders have remarked that he is the first minister in many years to actually sit down with them personally to hear and discuss their views on the greenbelt. Many of them have commented on how refreshing they found Minister Gerretsen's hands-on, accessible approach. We heard this many times at the standing committee hearings. We heard from the leaders of our communities, including Mayor Gary Burroughs of Niagara-on-the-Lake. We heard also from Debbie Zimmerman, who is CEO of the Grape Growers of Ontario. We also heard from one of our fellows on the other side of this House—the member from Erie-Lincoln, to be specific. He has commended and recognized the minister and his staff for their hard work and approachability on this initiative: "To credit Minister Gerretsen, his staff are all here. They met with Grimsby and they're working hard." That was from the member for Erie-Lincoln.

Let's consider what this greenbelt would do. It would protect one million acres of land from Rice Lake to the Niagara Peninsula. That would raise the amount of protected land in the Golden Horseshoe to 1.8 million acres, including the protected lands on the Oak Ridges moraine and the Niagara Escarpment. This House has the unique opportunity of ensuring that this amount of land remains protected in the midst of the most densely populated region in the province.

I have a personal history in farming. This proposed greenbelt would preserve and protect farmlands and agricultural lands around the greater Golden Horseshoe. This is good news for the agricultural community.

Combined with the government's plan for long-term growth management, it would have a real, positive impact on future generations. It would ensure a valuable legacy to the people of Ontario, and it would ensure a continuing high quality of life and a greenbelt forever.

Hon. Steve Peters (Minister of Agriculture and Food): It's my pleasure to stand here tonight and speak in support of Bill 135.

The proposed Greenbelt Act, if passed, would create a greenbelt protecting 1.8 million acres of environmentally sensitive and, more importantly, agricultural land in the Golden Horseshoe from urban development and sprawl.

While this government has never doubted that protecting this land is the right thing to do, a recently released report from Statistics Canada underlines the necessity of taking steps to preserve our natural heritage, our resources, our agricultural land. The report, entitled *The Loss of Dependable Agricultural Land in Canada*, concludes that one half of this country's urbanized land has been located on good agricultural land. In fact, in a 30-year period, from 1971 to 2001, Ontario alone lost 4,300 square kilometres of land to urban development. Add to that the hamlets, the rural residential development and farmsteads, and this province has lost nearly 23,000 square kilometres of land. This land is lost. This land cannot be replaced. We cannot allow any more of our highly productive land to be cropped for houses or

topped with pavement or concrete, and let me tell you why. Ontario is home to the majority of Canada's class 1—the most productive—agricultural land. This has allowed the country's most diverse and largest agricultural sector to flourish here in the province of Ontario.

We should be proud of the fact that this province produces more than 200 commodities and accounts for one quarter of our nation's agricultural production. These farms, in turn, support a thriving food industry, with more than 1,200 food manufacturers located here in Ontario. Together, the agri-food sector generates \$30 billion for the economy in this province and 650,000 jobs. This feeds the province of Ontario, and it must be protected.

The contribution that this sector makes to our quality of life as Ontarians is equally as important as the economic benefit that it provides. We enjoy fresh, high-quality, safe products and pay far less for our food as a percentage of our income than almost anywhere else in the world. Some 10% of our disposable income is spent on food; it's 14% in the United States, 30% in Mexico and 50% in India.

The agricultural sector improves our social well-being in other, less noticeable ways by providing renewable sources of energy, alternatives to plastics, and pharmaceuticals. Farmers, too, are the original stewards of the environment, preserving and often improving our natural resources of soil and water.

We need to recognize the role that agriculture plays in the societal challenges that we all face. From health care to education to the environment to energy, agriculture plays an integral role in our lives. We need to support agriculture, but we also need to ensure that we preserve agricultural land.

This government has heard members on the other side state that protecting farmland counts for nothing unless you protect the farmer's ability to earn a living from that land.

This government is committed to a sustainable agriculture and agri-food sector, both within and outside of the greenbelt. That's why we signed on to the federal-provincial agricultural policy framework. In partnership with the federal government, we will invest nearly \$1.7 billion in a wide variety of initiatives designed to enhance the competitive and the long-term sustainability of the industry.

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Yes, we hear the criticisms of the CAIS program, but that CAIS program is supporting the viability of farmers in this province. The 2003 payouts alone will be in excess of \$190 million of support for the agricultural sector. In addition, the Ministry of Agriculture and Food annually invests more than \$35 million in agriculture and food-related research. We also continue to work with the research and agricultural communities and government partners to identify new opportunities for the sector.

However, to ensure that this government fully understood the unique needs of the farming community in relation to the greenbelt, we sought the counsel and

advice of the agricultural advisory team. The team presented its report a little over four months ago. We have already begun to act on that advice.

We're mapping our agricultural land resources. We're revising the planning tool known as the "minimum distance separation formula" to ensure consistent treatment of farm and non-farm development and growth. We've strengthened the provincial policy statement to better protect specialty crop land, to clarify that all types and intensity of livestock are permitted in prime agricultural areas and to restrict severances in prime agricultural lands. We are, though, allowing farmers to sever surplus farm dwellings as a means to assist in that farm viability. We are working with the Normal Farm Practices Protection Board. We have taken steps to ensure greater reliance on the Farming and Food Production Protection Act both inside and outside the greenbelt, and we intend to conduct an awareness campaign regarding normal farm practices to increase everyone's understanding of the business of farming.

The government is committed to acting on the advice of the advisory team, and we are. In some cases, however, consultation with a wide variety of stakeholders is required; in others, several government ministries and many municipalities will have to work together. All of these things take time. We intend to take the time to get things right the first time, just as we've done with this bill.

This government recognizes and values the contribution that agriculture, no matter where that farming activity occurs, makes to the economic and social well-being of every person in this province. That's why this government has proposed the Greenbelt Act to preserve and protect one of this province's most valuable resources: our farmland.

Ladies and gentlemen, in conclusion, one way that each of us can do our part to help farmers every day is to make that conscious decision when you go into a grocery store to buy local, to buy Ontario, to buy Canadian.

We can send another message. When the crops are in season, we can go out and enjoy the greenbelt and the beauty of that area but also gain a better appreciation of the hard work of the men and women who spend their lives supporting agriculture in this province. Go out and visit a farm stand. Go talk to a farmer. Learn more about what they do to make sure they put safe, healthy and nutritious food on our plates every day. We need to recognize that. We need to thank the farmers for what they do. We're conscious of what they do. That's why we're there to support farmers, but as well we're there because we recognize that protecting farmland is as important as protecting and supporting farmers.

The Deputy Speaker: Questions and comments.

Mr. Ernie Hardeman (Oxford): I want to say that that's a perfect example—particularly to the Minister of Agriculture's presentation on the greenbelt legislation—of Dr. Jekyll and Mr. Hyde. The first part of the presentation, when he spoke directly to the greenbelt—in fact there isn't a farmer in the greenbelt who appreciates the

fact that their land is being expropriated without compensation or the fact that all their land is being down-zoned at a time when they cannot get government help to pay the grocery bill as they're producing on this land.

I thought I was hearing from the Ministry of the Environment, and that's why it was good to preserve this greenbelt and the green land for our natural environment and for people to use. It's important to recognize that there's a part in the legislation that says that all this land will have public access. I don't know why farmers would want public access to their farmland. It seems to me that's more related to parkland. I think maybe the bill would have been better to be named the "farmbelt" if that's really what the Minister of Agriculture is trying to tell us, that it's being done to protect farmland. It should have been the farmbelt, not the greenbelt.

Then the minister talks about the money the government is going to—and I emphasize "is going to" because they haven't done it. They're going to give some money to help farmers pay the grocery bill that I talked about that they couldn't pay. The farmers have taken to the streets to try and get the message to the minister and the Premier that they need help or they will no longer be with us. There will be no farmers to farm that good farmland he's talking about.

He said the CAIS program has some problems. You want to believe it has some problems. It is intended—at least the minister said it was intended—to replace the NISA and the whole farm relief program and save the government \$65 million a year. That's why the farmers aren't getting cheques, that's why they're not getting the support they should be getting, and that's why they are so mad and so frustrated with the present government.

Ms. Marilyn Churley (Toronto-Danforth): The government had a great opportunity to achieve something great here, and blew it. Talk about botching an opportunity.

Yes, there will be some green space, some environmentally sensitive land preserved and some agricultural land preserved. But the legislation before us this evening will not achieve two of the main stated purposes of the bill: One, to curb urban sprawl. It's not going to do that because of leapfrog development and what we refer to as the peach fuzz, or that band of land that's been left out. Second—it was the Christian Farmers and other farmers who told us this; it's not just me saying this—some of the most valuable farmland in the entire area has been left out of the greenbelt when you take out the Holland Marsh and the Niagara fruitland area. You have the farmland within the greenbelt, they tell us, less valuable than what's being put in.

I just want to say to the Minister of Agriculture, who spoke to this, that we did listen to the farmers, not only talked to them but listened in the hearings, and all farmers—I disagree with the Tories on this—are in favour of preserving agricultural land. What we heard is that there is an unprecedented crisis in our farming communities with or without the greenbelt, and they need action now. The problem goes well beyond the greenbelt,

but I want to say that standing up here tonight and saying that this is going to resolve their problem—it doesn't even come this close. You need to do a whole lot more, and I will talk about that a little later. But this is not doing what the government says it wants to do with the greenbelt.

Mr. Kim Craitor (Niagara Falls): I am pleased to have the opportunity to participate in the debate regarding Bill 135.

This is my opportunity to thank the farmers in Niagara-on-the-Lake for the kindness and generosity they have shown me since I've been elected as their member of provincial Parliament, for allowing me to come into their homes and sitting with me and explaining to me the seriousness and the difficulties they're facing, but also to learn about the contributions they make not just to Niagara-on-the-Lake or Niagara Falls but to the entire province.

There are a couple of things I want to mention. First, I want to mention a councillor from Niagara-on-the-Lake, Austin Kirkby, who is well recognized and well respected in that community. One of the things that Austin pushed for, and I was pleased to see the changes in the bill, was on surplus dwellings. That was something that Austin was very passionate about, and I was pleased to see that the government made the changes to recognize that.

I also want to say that in 13 years on city council, particularly the last nine years, we never had a minister, no matter how many times we asked the previous government, come to visit us, and I was pleased to see Minister Gerretsen not only come down to Niagara-on-the-Lake and spend time with the council for a couple of hours, but also make a point of visiting the mayor of Grimsby and the mayor of West Lincoln. He also met with the fruit growers, the wine growers.

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This is a bill that requires some additional assistance, and that's the viability and sustainability. That I recognize, and I know the government recognizes it. There are opportunities for us to ensure that those people who farm are well paid for the time and effort they put in in providing the food we all eat and enjoy. So it's an opportunity to preserve and protect the lands. If you ever take a drive on old Highway 8 out to Grimsby—I was shocked when I saw what had happened out there with all the lands that had been paved over and become subdivisions.

Mr. Norman W. Sterling (Lanark-Carleton): You won't find a member in this Legislature who has had, perhaps, more to do with preservation of the Niagara Escarpment than I. As a cabinet minister in Bill Davis's government, I was responsible for bringing forward the first plan for the Niagara Escarpment, and I understand some of the processes that were put forward during the period between 1972 and 1984 to determine what area was to be covered, what the rules were to be around owners' rights to appeal what had happened to them or what was proposed to happen to them, and to deal with the whole idea of what was to be allowed to be built upon that land.

I really feel this greenbelt legislation is insensitive to the public in terms of their ability to challenge whatever "science" may be put forward here, or not. But I also want to comment on the Minister of Agriculture's response and talk during this debate about the government proudly announcing that it's going to limit severances off of farms across Ontario. I am one who has been very critical of allowing a very small-l liberal policy in this regard, but the timing of this kind of announcement couldn't be worse for the farmers of eastern Ontario. They are hanging on by their fingernails. First it was cattle prices; now it's grain prices. I know it has nothing to do with planning, but it has to do with finances. Some of them have survived by being able to sell a lot off their farm, a lot that doesn't produce agricultural products but in fact produces a nice site for a home.

This is a failed policy in this government at this time.

The Deputy Speaker: A two-minute reply, member for Lambton-Kent-Middlesex.

Mrs. Van Bommel: I want to thank the members for Oxford, Toronto-Danforth, Niagara Falls and Lanark-Carleton. Certainly a lot of things have been brought up, and I want to address all of them, especially the issues around agriculture.

I want to commend the Minister of Agriculture, Steve Peters, for the work he has done to help in this situation, where we are talking about not only a crisis within the greenbelt but an income crisis across the province. He has worked very hard to help us with the greenbelt situation, to work with the farmers in that area.

We definitely recognize there are issues, such as those within the CAIS program, but it was the Minister of Agriculture who insisted that there be an annual review. That review is about to take place. It is because of his insistence that we have the opportunity to correct the problems. Not everyone in this chamber is going to remember what NISA was like when it first started. It had its growing pains too. We have the same situation now, and because of the Minister of Agriculture, we have the opportunity to remedy those situations. So I'm quite happy, as a farmer, with what is happening in that respect.

In terms of severances, I have always been very opposed to severances on farmland. I don't think you should be selling off your assets to cover your losses on a farm. If you're going to keep slicing away at the tail that way, you won't have a dog left at the end of the day. I think it's important that we try to make sure there is land there for the farmers to farm. We have heard arguments that if we don't have the farmers, the land means nothing. I can say the converse: You can have farmers, but if you haven't got the land, it doesn't mean anything either. It's a chicken-and-egg situation. At this point, we are saying that we are working with both. We are trying to make sure that we have farmland for the young farmers to come to, and we want to make sure that we have our farmers here for us in the future.

The Deputy Speaker: Further debate.

Mr. Tim Hudak (Erie-Lincoln): I am pleased to share my time tonight with my colleagues the members for York North and Haldimand-Norfolk-Brant.

I'm recommending to our caucus that we oppose this bill. The government is wrapping itself in a green flag. They like to talk in superficialities. They have an affection for platitudes, as we hear in the debate tonight, but the fundamental tools that are necessary to make a preservation initiative successful are completely absent in the government's plan. I'm going to address some of those absences. I'm going to talk about the amendments that we brought forward as a Conservative caucus to truly make this initiative a success. Unfortunately, all but some very minor amendments were voted down during the committee process.

The government, as well, is asking us to give them a tremendous deal of trust to do the right thing, to enact this legislation. This, as has been described, allows the government to make a significant number of decisions, to implement a map and a plan, but it leaves in the hands of the minister and cabinet tremendous responsibilities, tremendous authority, all of which is taken behind the closed doors of cabinet and not brought forward in any kind of public, transparent appeals or science-based process.

There's an old story about a scorpion and an alligator. The scorpion needs to get across the river. He sees his friend the alligator. He asks if he can ride along with the alligator across the river. The alligator says, "I don't know if I can trust you. You are a scorpion; you may sting me." The scorpion says, "No. You can trust me. If you take me across the river, I won't sting you." The alligator says, "Fair enough." He gets the scorpion on the back of his snout, and they start going across the river. They make it a quarter of the way, they make it half the way, and at about the two-thirds point, in the middle of the river, the scorpion suddenly stings the alligator.

Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): My mother told me that story.

Mr. Hudak: You know this story? You didn't learn from it.

As the alligator is blacking out, he says to the scorpion, "Why did you sting me? Now we're both going to drown." The scorpion says, "I can't help it. It's in my nature."

Not that my colleagues are like that, but I think it's always good to have a healthy skepticism of government and political parties of any stripe. To put that degree of trust—when we haven't seen the science; we haven't seen the plan; there is no appeals process—is asking us for far, far more than we are willing to give, particularly with a government that in only 16 months of office has broken some 40-plus promises, some major promises. To take tens of thousands of landowners' fates in their hands, to give them that trust, would be to make the mistake the alligator makes in that old story.

One of the best presentations at the committee was from the OPPI, the Ontario Professional Planners Institute—not a partisan group; in fact, mostly public servants, some who work in the private sector, who are

interested in good planning initiatives. The OPPI made it quite clear at the hearings that a greenbelt initiative based on zoning alone will not be successful, that other tools are necessary—economic support plans, for example, and faith in the science—and that without these tools, the greenbelt would ultimately be unsuccessful and would unravel.

In fact, in the presentation on September 20, 2004, on Bill 26, they said: “Communities need not only the proper tools to deal with the range of issues affecting how they grow and prosper but a complete range of tools to do so. If the proposed legislation does not give them a complete range of usable tools, it will simply complicate the planning process rather than make it more responsive to local needs.” They went on to talk about the fact that without additional tools, the greenbelt would not be successful.

The government talks about other initiatives. I’ll give an example. The Premier himself envisions the greenbelt to be much like he experienced growing up in the Ottawa area, the famous Ottawa greenbelt. But what the Premier neglected to say is that when the Ottawa greenbelt was brought in—I think under Mackenzie King—the land was purchased outright or else expropriated, which meant that there was some sort of exchange of tax dollars for the land. The greenbelt area is now owned by the National Capital Commission. It’s not private land. The Premier uses it as an example, but in his own legislation there’s not a dime of compensation, and in fact expropriation rights are taken away from individual landowners.

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Mr. McMeekin: That’s a good point.

Mr. Hudak: Thank you. Maybe I’ll convince my colleague tonight. So that’s the Ottawa example.

The Napa Valley, in the state of California, is often cited as another example, and Napa Valley is similarly the work of local environmentalists and farmers who dedicated substantial dollars to making sure that the agricultural preserve in that area would be successful. As a side note, I’d like to add that wineries in the Napa Valley area have access to a number of winery licences, beyond just a single one at the winery itself, for retailing their products, and I think that greater market access has helped to propel the successful wine industry in the Napa Valley and, as a result, reinvestments in grape production in the wineries, in agriculture and in tourism. In Ontario, we’re limited to one, on the winery site only.

As an aside, my private member’s bill is coming forward next Thursday, March 3, which would give Ontario VQA wineries access to a new stream, which would be called Ontario VQA Wine Stores. I hope my colleagues will support it, because, as in the Napa Valley, additional market access would help our grape and wine industry and associated agriculture and tourism businesses in the province. I hope my colleagues will support that. If they truly support the greenbelt, I hope they will get behind my private member’s bill next week.

In Missouri, they have their own Missouri greenbelt. Through charitable donations of land easements, they’ve

been able to successfully protect natural and agricultural areas from conversion to urban uses. They were able to purchase land and easements that protect natural and agricultural areas. They raised money through memberships, donations, grants and other means. The Missouri greenbelt that has been talked about at some of the hearings, perhaps by government members, similarly had resources behind it. They purchased the land from individual landowners.

Mr. Sterling: That’s where Dalton’s from, isn’t it—Missouri?

Mr. Hudak: In time I think most people will be saying to Dalton, “I’m from Missouri, the Show-Me state,” because they’re not going to go on his word the next time around. I said a bit earlier today that trusting Dalton McGuinty is like sidling up to Pinocchio and not expecting to be poked in the eye.

But I digress. My colleague the former Minister of the Environment, who played a key role in the Niagara Escarpment Commission’s formation, talked about the appeals process, where in about two years’ time, individuals could take their property forward for exclusion or inclusion in the Niagara Escarpment plan based on science, at a public, transparent process to make sure they got the details right.

That is also absent from the greenbelt approach. It’s missing. It is absolutely missing. Sadly, when we brought forward a fair, transparent, science-based appeal process as an amendment to this piece of legislation, it was rejected by the government members.

I think at the beginning we wished we could support this legislation. We support the preservation of green space; in fact, I am proud to stand on the record of the Progressive Conservative governments of the 1960s that brought forward the Bruce Trail.

I talked about the Niagara Escarpment Commission, a world-recognized biosphere; under the Mike Harris government’s Living Legacy, the single greatest expansion of parks in the history of the entire country. Mind you, when the Mike Harris government brought forward Living Legacy, there was \$100 million invested to support those parks in protected areas, part of this province-wide initiative. Those support dollars are missing from the greenbelt plan. The Oak Ridges moraine legislation similarly had support behind it—award-winning, recognized by the Environmental Commissioner as an initiative.

I’ll stand proudly on what we did under Mike Harris as Progressive Conservatives for the preservation of green space, but when we did it, we did it based on a plan to make it successful, we dedicated resources to the success, and in those examples as well, we used a consensus model. It wasn’t done behind closed doors; it wasn’t suddenly announced. We brought together environmentalists, farmers, the building sector and municipal leaders to forge a consensus around where we were going. Sometimes it took time. It wasn’t always easy, but at the end of the day I will argue that they will stand the test of time. They are award-winning.

The Dalton McGuinty government did not invest the resources, did not develop any kind of consensus model and has used questionable science. Therefore, I fear that, without fixing these major problems, the greenbelt will ultimately fail. A stool can't stand on two legs. You're going to need a support plan for greenbelt farmers. You're going to need to justify the science. You're going to need to assist the greenbelt municipalities to ensure that they can continue to prosper and be strong communities within the greenbelt area. But, again, these things are missing.

I talked about the OPPI. I'll refer to them again and their presentation on February 3, 2005. The Ontario Professional Planners Institute, a learned non-partisan group, "support the overall direction that the province has taken with regards to growth management," but they go on to say, "we are concerned that the proposed policy and legislative initiatives be brought forward in a manner that allows considered review of the critical details, consistency and coordination between complementary initiatives, and meaningful participation from stakeholders." They go on to say, "The area defined by the greenbelt plan raises many questions. There is a need to clarify and explain the parameters used in defining this territory."

That's the OPPI. They're going to be very respectful and very polite. If I were to paraphrase: This has been botched. It is not a greenbelt; it is a "greenbotch." Did I take licence with the paraphrasing? They're very polite, but basically what I read from that is that they are questioning the boundaries and whether this plan will be successful without the complementary tools. It's very clear. To put it boldly, in terms that I have been using, it has been a botched initiative. It's not a greenbelt; it's a "greenbotch," because it's based on questionable science without a plan to make it work.

I talked a bit about the platitudes that the government use. They wrap themselves in the green flag and stick to very superficial levels of debate. They say that they're protecting farmland, but that's not what we heard from farmers who came to our committee.

Peter Lambrick of the GTA Federations of Agriculture said on February 1, 2005, in Markham, "Our key messages to you today are that keeping agriculture in the GTA is not just a land-use planning issue."

Albert Witteveen, of the Niagara North Federation of Agriculture, said in Grimsby, "Freezing land is a band-aid solution to a growing problem. If the government is serious about preserving viable agricultural lands, then help us to produce our products with pride and provide us with the tools to make this land productive and prosperous."

Paul Mistelet, vice-president of the Ontario Federation of Agriculture, went even further, with very strong language showing the frustration of greenbelt farmers, by saying, "It is our submission that Bill 135 is the most draconian piece of legislation farmers in this province have ever been faced with. The legislation seeks to impose a one-size-fits-all approach to one of the most diverse regions of Canada. It ignores science, it ignores

economics and it ignores farm businesses and their contribution to the Ontario economy." Very strong language. It runs against the arguments we hear from government members. That's from the vice-president of the Ontario Federation of Agriculture.

We brought forward some well-thought-out amendments—I would argue, non-partisan; we got them from people who came to the committee—to actually make this bill work. We heard over and over again, "If you want to save farmland, you need to save the farmer." One suggested by the OFA, the Christian Farmers of Ontario, the Grape Growers of Ontario and other commodity groups and interested parties was to make sure that there was an agriculture support plan as part of the legislation. That was endorsed by these types of farming groups. In fact, the government's own greenbelt advisory committee made a special point to emphasize that you need a greenbelt farm plan as part of the legislation. But it has been rejected—in fact, not only rejected but ignored by the government, who say, "No, no, we're going to work on positions for the province as a whole," ignoring the special reality of greenbelt farmers and running against the recommendations of their own committee.

In fact, Mary Lou Garr, a woman of eminent qualifications, who was hand-picked to sit as part of the Greenbelt Task Force, said, at committee on February 2 in Grimsby, "We hoped to create a legacy for the future, but I think Bill 135 in its current form is fundamentally flawed, not by what's in it but by what isn't in it."

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Ms. Garr went on to talk about the importance of enshrining in the bill a duty upon the government of the day to have an agricultural support plan. Sadly, the Mary Lou Garr amendment that we brought forward was voted down.

We also talked about bringing forward an environmental benefits task force to look at a way of rewarding farmers for good environmental practices: for preserving fresh, clean water; for preserving fresh, clean air for citizens to breathe. Similar programs exist in some states like Pennsylvania. They're common in Europe. Great Britain has its own greenbelt. They do this. That amendment was voted down by the government members.

We suggested, based on the advice of a land trust task force and other farm groups, creating a land trust task force to report back to government. That was voted down.

We had a suggestion, as well, to see if the government is accurate when it makes the argument that land values are going to increase in the greenbelt area. Actually, they said that they'll sometimes decrease, but generally they say that they will increase. So why not put their money where their mouths are and have a land-value-monitoring task force to monitor the value of land in the greenbelt? If they truly rise, as the government predicts, then the government will be found to be correct. If not, then it would probably imply some duty for the government to act on behalf of those landowners who have been aggrieved. The government, while it makes predictions,

voted down an opportunity to actually measure what's going to happen to the land supply.

So this notion that this is about protecting farmland is nothing but spin. It's simply a zoning process that could ultimately just protect fields. If farmers don't find it economically viable to produce on their farms, they would simply walk away and let the land go fallow. In some years' time, there'll be tremendous pressure on municipalities to develop that land since it's no longer in viable agricultural production.

The government has claimed that it has made its decisions based on science—well, perhaps expert political science.

The Minister of Municipal Affairs has talked a couple of times in this House about the LEAR system, which is a tool for the Ministry of Agriculture to evaluate a farm's economic viability as well as the viability of its soil. If it's close to market, for example, it would be more of a viable farm than it would be if it were an isolated farm in a developing area.

When I asked for the science behind this plan, my freedom of information request cost \$1,400. Any citizen who wants to see the science that justified putting his or her property in the greenbelt area would potentially have to pay \$1,400. The government could make that a lot easier by just putting out the science on a Web site or by tabling it here in the assembly for public use, avoiding this high bill. But again, that amendment was voted down.

The LEAR studies that the minister talks about are not available. I got hold of one; the parliamentary assistant was kind enough to give me one. But that one LEAR study was for Ottawa-Carleton, which is nowhere near the greenbelt. The LEAR studies for Niagara, Halton, York, Peel and Durham are non-existent; ghost studies.

I would suggest that any good scientist puts his or her data on the table publicly for review and stands behind it. The fact that the government is not putting forward the science behind their decisions makes me believe that either the science is absent, or it is bad science, or, in all likelihood, it's simply political science.

We see four major flaws in the legislation.

I've already addressed the importance of supporting agriculture. To save the farm, you have to save the farmer.

Our second major flaw was support for greenbelt municipalities. Greenbelt municipalities, especially the small ones, will have their future growth frozen. If they want to pay for improvements to the roads, water, sewers or bridges or to pay for a new recreation centre for the teenagers, without growth, they'll be forced to increase taxes substantially to pay for these costs. If the greenbelt is to be a jewel for the entire province to enjoy, it makes sense that the province should support those municipalities and not place the cost entirely on the backs of the local ratepayers. Unfortunately, our amendment to bring the province to the table to support greenbelt municipalities was defeated by the government members.

That's not just me talking about that. My colleague from Niagara Falls talked about Austin Kirkby, a

respected councillor and farmer in Niagara-on-the-Lake. What did she say about this topic? "The greenbelt legislation permanently freezes our urban boundaries, without a commitment of compensation to the municipalities. Who will pay for costly infrastructure in the future if there is none?" It's not just me.

Gary Burroughs, the Lord Mayor of Niagara-on-the-Lake, said in Hansard on February 2: "The proposed greenbelt legislation has the potential of creating, over the longer term, some significant financial challenges for municipalities located entirely within the greenbelt area."

Mayor Bob Bentley, town of Grimsby, same day: "The no-growth scenario that will result from this plan will have significant financial implications on the town of Grimsby and the region of Niagara. We feel that economic impact is an important consideration that must be carefully contemplated by the government if it is going to freeze out all growth options in this community. As well, the province must be prepared to provide ongoing financial compensation if necessary."

Our amendment to help greenbelt municipalities, based on the advice we've heard from mayors and municipal leaders from across the greenbelt area, was rejected.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): Welcome the kids.

Mr. Hudak: That's a good point. My colleague from Sudbury suggests I welcome the Scouts. Hello, Scouts. Welcome to the assembly. I hope you enjoy it. I won't ask where they are from, but I want to greet them on behalf of all members in the chamber. I hope they are enjoying the debate.

The other fatal flaw, we believe fundamentally—based on what we have seen here in the assembly, based on what we've heard in committee and based on our study of the greenbelt area—is that this plan is not based on environmental science at all, but on political science. There is no other reason that the government would target containing urban sprawl in Beaverton and leave wide-open sprawl all the way up Simcoe county to Barrie. That long line of traffic snaking its way down the 400-series highway is just going to get longer and slower. If you live in that area, even up toward Newmarket, set your alarm clock earlier, because without any kind of infrastructure plan, that commute will get longer under this legislation.

It's frightening as well when the parliamentary assistant who helped lead the consultations of this legislation, Mr. Duguid, November 17 in Hansard, here in the House said, "You know what? I don't give a damn whether it's real science or political science." That's a very unfortunate comment from the parliamentary assistant, which I think goes to the heart of the problem of this legislation.

No good science would cut a farm in half; no good science would cut a significant wetland like the Holland Marsh, as the draft plan did, or the Beverly marsh, as this plan did, in half. No good plan based on science would leave out Boyd Park, in the riding of the Minister of Finance. Many before the committee suggested that that

was the work of politics, not science, why the pristine Boyd Conservation Area was left out of the greenbelt. Perhaps if it was somebody else's riding, they said, it would have been included, but to date it has been left out.

There is an element of fairness missing that is key. Landowners in the greenbelt area have not been notified. There has been no notice about what's being impacted, how they are being impacted, what piece of land is impacted, restrictions that could happen on their property. The simple amendment we brought forward to notify those landowners was rejected. And if those landowners wanted to bring forward an appeal to say, "Why was my property included?" or if somebody wanted to bring their property into the greenbelt area, they would have no access to science and no access to any kind of formal, transparent and public appeal mechanism.

Sadly, this legislation, as it stands before us tonight, would restrict the appeals process to one channel only, and that is directly to the Minister of Municipal Affairs and Housing. If you're well-connected, if you know somebody in the minister's office or you go to the right fundraiser, maybe you would have your day in court. But for the vast majority of landowners, ordinary farmers, ordinary taxpayers, any of these individuals would not have fair and open access to any kind of transparent appeal process. They wouldn't have the science, first of all; second, they would never have their day in court.

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The minister says, "That's fine; in 10 years' time we'll look into it." But even criminals have a chance at appeal, a chance to look at the evidence. The science here is missing, and there's no chance for appeal for at least 10 years.

I know my colleagues want to address their heartfelt concerns about this legislation. I do think this legislation will likely pass. While my colleagues are raply paying attention to my remarks, I don't know if I'm convincing enough to swing the vote the other way. But we will play an important role. We will continue to push for clear science—environmental science, not political science—and we will continue to push for fairness, to fight for landowners to know how they're impacted and upon which kind of science a decision was made.

We will also watch closely the minister's decisions. The minister has collected considerable power in his hands behind closed doors, so we're curious to see who gets an exemption and who doesn't when the final greenbelt map comes forward.

This notion of a floating greenbelt deserves considerable debate. I know my colleague from Beaches—

Ms. Churley: Toronto—Danforth.

Mr. Hudak: Sorry; Toronto—Danforth. Beaches too, but Toronto—Danforth will be addressing that in short order.

I don't know what kind of faith people will have in the greenbelt if they see it floating farther east or north or west. This notion that some land could be taken out of the greenbelt if other land is put back in will be a tough sell for people in that area. So the notion of a floating

greenbelt will undermine people's faith in this. I think most people want certainty around it.

I know my colleague the Minister of Agriculture is here. We'll continue to hold him to task as well, to support farmers in the greenbelt area who will be treated differently under this legislation from a farmer who's across the concession and not in the greenbelt area.

I've enjoyed the hearings and enjoyed the opportunity to comment as the critic for the official opposition. I had hoped that a greenbelt initiative would have been successful, but sadly, a two-legged stool can't stand. If they don't bring these major pieces forward, I regret that the greenbelt ultimately will fail. I regret the way it was brought about as part of a political decision after a broken promise around the Oak Ridges moraine. If it hadn't been rushed out to change the channel, if it hadn't been rushed out in a political manner without bringing that consensus forward or a proper analysis of the science, there'd be a different debate tonight in the assembly, but because it was pushed out there after the broken promise to stop housing on the Oak Ridges moraine, we are left with a document that is primarily political and not truly based on preservation initiatives.

Mr. Speaker, I thank you for my time. I hope my colleague will vote against this piece of legislation.

Mr. Toby Barrett (Haldimand—Norfolk—Brant): I wish to frame my comments on Bill 135 around the issue of property rights and compensation.

I think back to a headline I saw in the Ontario Farmer last spring. To summarize, "If you want it, buy it." This was written by Jim White, a columnist with the Ontario Farmer.

Farmers have been mentioned a number of times this evening. I got together with 600 farmers last night in Port Perry. There was a meeting hosted by the Lanark Landowners Association. The topics last night: the crisis in agriculture, and property rights. Much of the discussion was around the greenbelt. We heard from Jim White and Bob Fowler with OPERA, the Ontario Property and Environmental Rights Association. We heard from Randy Hillier, of course, president of Lanark Landowners; a couple of dairy farmers from Caledon presented; also Anna Bragg, who is connected with the corn producers. At the meeting last night, a number of my tobacco farmers came up from the Tillsonburg area: Courtland, Houghton, Hawtry and Oxford. There's an example of a group that, as a result of government property, had a taking, a reduction in the value of their land, their plant and equipment and their labour, with as yet no announced or promised compensation.

Now, we know land grabs are nothing new in provincial politics. While many court cases and planning hearings have reiterated the rights of owners to enjoy their property, the Legislature has the power to override any perceived rights. I do remind those assembled that we do not have property rights, neither in the province of Ontario nor in the Dominion of Canada.

This goes back many, many years. I'll give an example. In 1973, the Treasurer of the day, John White,

explained why he did not purchase the land to pull together the Niagara Escarpment Commission: "In my view and the view of my colleagues, this is completely unnecessary. We can conserve through planning designation for the benefit of all our people."

Over the years, as you can see, a philosophy has come forward that, "We don't have to buy it because we have the power to designate it in any way we want, regardless of the landowners' interests." I'll use the words of Jim White: "Don't buy what you can steal." That is a quote from OPERA.

I will mention that I attempted to address this issue within a few weeks of first being elected in 1995. My first private member's bill—I think it was the first private member's bill from the Mike Harris government—was Bill 11 and was entitled the Property Rights Statute Law Amendment Act, 1995. That was nine and a half years ago. There is a resurgence of interest in this. I can say that on behalf of 600 farmers who attended the meeting last night. That's when I met the people from OPERA—Bob Fowler, Jim White. I think you're going to see a resurgence of an attempt to restore property rights in Ontario. Quebec has property rights, the Yukon has property rights, Alberta and Saskatchewan. Canada does not. Ontario does not.

People—and I've heard this at other greenbelt meetings I have attended—are suspicious of this greenbelt initiative. There is concern that it's supported by speculators, for example, who would use the greenbelt to see a reduction in the value of land so they can purchase it at the lower value. One speaker at that Caledon East meeting, which I attended with the member from Erie-Lincoln, pointed out the potential for developers to buy the land and then, down the road, get the regulations and the zoning revised by the next jurisdiction. At that Caledon East meeting—you can tell something is wrong when you show up at a community hall and there is a flashing red light out front on the highway and you walk in and there are five OPP officers. I couldn't get in the hall. I was actually directed by the OPP to go down to the basement and join a few hundred people down there kind of hovering around a microphone.

I note that Randy Hillier, one of the speakers last night—there's that name again; you're going to hear his name on March 9, when farmers arrive at Queen's Park with their combines and tractors and backhoes and tractor-trailers. I will mention too, stay tuned: Don't forget March 2, the OFA-initiated rally out front. Randy Hillier addresses the issue of property rights, or I should say the lack thereof, and sent out a press release. You're going to hear about this on March 9. This press release included a number of resolutions. These were circulated last night. I wish to alert people present of what may be coming.

Resolution 1 is titled the Right of Ownership Act, and I quote: "The right to own, use, enjoy, and the opportunity to earn a living from private property is the basis of freedom and democracy. However, this right does not supersede or allow an individual to cause harm or injury

to another. Ownership rights shall not be abridged or usurped without due process of law and shall include full, fair and timely compensation. The federal government shall be requested to amend Canada's Constitution by inclusion of this statute in the Charter of Rights and Freedoms."

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A second resolution was distributed last night, entitled the Land Use Act: "Private property shall not be rezoned, re-designated or reclassified in any manner that limits the natural and private use of property without the owner's prior written consent and approval. When, in the course of society's advancement, it becomes necessary in the public interest to abridge this fundamental right to private use, then full, fair and timely compensation shall be awarded."

We'll have to wait and see. I don't know whether this direction would fall on fertile ground with this government; I'm not holding my breath on that one.

This inaction on property rights did create the OPERA organization, a coalition of groups with a common mandate to "protect and entrench in law the rights and responsibilities of private landowners against arbitrary restrictions and decisions of government." They have a background discussion paper that refers to the greenbelt: It's "sure to be popular with environmentalists and other urbanites that get a free green park at the expense of present landowners. The government is taking advantage of the failure of legislators to pass property rights legislation at either the Ontario or the national level."

They continue in this document, "The greenbelt protects land with lower agricultural capability at the expense of prime agricultural lands in Halton, Peel, York and Durham. The claims of protecting agricultural lands are a sham except for the Niagara fruit lands and the Bradford Marsh area."

They are concerned about the total lack of recognition for those people who own the 1.8 million acres of land under this planning initiative that ignores the fact that landowners are really the primary and only true stakeholders. There is no recognition, no discussion of the cost to these people.

I will wrap up. I know the speaker for York North is awaiting her turn. I just wish to reiterate that when we talk about the greenbelt and the broader planning initiatives, we received a briefing on the greater Golden Horseshoe. That's an area that now includes half of my riding. I always felt I lived out in the sticks. I am now subject to the outer ring, I guess it's called. Haldimand county and Brant county are now part of the GGH, the greater Golden Horseshoe. Stay tuned. We know the leapfrogging is occurring in the Caledonia area. Just in the last few weeks, there has been a lot of interest in farms in that part of my riding.

I thank everyone for listening intently, and I'd like to hand this over to the member for York North.

Mrs. Julia Munro (York North): It certainly gives me pleasure to rise and respond in third reading of Bill 135.

When I was looking at what comments I would put forward this evening, one of the things I wanted to ensure I talked about were the key messages that I believe we received from the public hearing process. I was very disappointed when, together with the critic, we put forward various amendments to this bill based on what we had heard throughout the public hearings. The reluctance—in fact the denial, I would say—of the government to look at the particular amendments we put forward, which reflected the kinds of messages we received in the public hearing process, is most disturbing.

It's very disturbing because, at the outset, all of us understand and appreciate the notion of green spaces. We all recognize how valuable they are to our quality of life, to our health, to our food supply, to the various aspects of our own personal and corporate lives.

It seemed to me that when the government undertook this notion over a year ago, they would have an opportunity to make some changes, to listen to the experts and understand why we needed to make some changes. The minister refers to this piece of legislation as framework legislation. If that's the case, then it suggests to me that there should be an openness about listening to the experts. It took a great deal of pressure from the opposition to even get four days of hearings. Obviously, the number of people who wanted to be heard, who made written submissions, speaks first of all to the interest, but it's beyond interest. It's not academic interest. It's not even self-interest. It's interest in a much greater, long-term societal interest.

In the few moments I have, I want to concentrate on two particular submissions that I think represent the kind of thoughtful response that people in this province have provided for us. The first one, which I'll just go through quickly, is the initiative that had been undertaken back in 1998 by the GTA Federations of Agriculture. They commissioned an impact study because they were only too aware of the challenges to the prime agricultural land that exists in the greater Toronto area. They recognized the fact that there needed to be a broader public understanding of the impact of agriculture in those regions. People needed to understand that there is an economic benefit to the Toronto area, to the GTA itself, to the province as a whole, as well as the individuals who make up the agricultural community.

As a result of this impact study, it became clear that it was the second most important economic driver in the cumulative regions—that is, York, Peel, Durham and Halton. As a result of this study, the four federations of agriculture came together. So also did the four regional municipalities. They began to work together to prepare themselves to go out into the broader community, to approach all levels of government, which they did successfully, to create a level of understanding of the importance of agriculture in the greater Toronto area.

There are some key messages that they wanted to bring forward. One of them, and this is most important in the light of the legislation we're debating this evening, is that keeping agriculture in the greater Toronto area is

not—I emphasize “not”—a land use planning exercise. When you look at the legislation before us today, the government seems to have failed to understand the fundamental concept that to maintain the kinds of agricultural lands we have, we have to talk about agricultural sustainability and we have to have a coordinated action plan. People have to understand, within the agricultural community, within all levels of government and within the broader community, that this is something worth working on, worth accepting the challenges and the opportunities.

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It became clear when this group met, as it continued to meet into last year, that there were some extremely important parameters under which agriculture in the GTA operates. On the plus side, there is the fact, as I already mentioned, of the billions of dollars from the agricultural economy, and also that it has high productivity and that sales had increased. But it required some action; some strategic plans had to be put forward. They had to include plans for economic development, education and marketing. People who go to the grocery store have to understand the impact that their decisions have on the agriculture in this province and in this country. It's only through education and marketing that people will understand that they are supporting their local economy. The action plan also included the importance of understanding land use policy, that you can't chop up agricultural lands. There has to be a critical mass. They can't have economic viability if people must travel two hours one way to get a farm part. They can't have economic viability if there's no veterinarian close by who is a large-animal specialist.

Those are the kinds of initiatives that had begun to be developed. They understood that there had to be a shared vision, that agriculture had to be financially sustainable and that farmland value had to be protected to be able to sustain the ongoing investments necessary to maintain agriculture.

All of that was pushed aside by a political agenda that said, “We're going to protect all of this land.” It seems to me that a great disservice has been done not only to the agricultural community in this area but also to the kind of planning that municipalities had engaged in. They had made, through the regions, some commitment to this agricultural action plan. It needed support from Queen's Park; it didn't need the kind of initiative we are seeing from this government. Provincial participation was crucial, but it had to be the kind of participation that provided support for those guiding principles I mentioned. Instead, the agricultural community has been dealt a tremendous blow. There is no sense of compensation, no creativity in looking at land use, no creativity in looking at issues around easements or initiatives that would support young farmers. None of those things is in this piece of legislation.

Those who have spoken before, the member from Lincoln and the member from Haldimand, also referred to property rights. One of the things that would have been

so easy for this government to have considered was the simple question of informing landowners. No one has received any kind of directive, any kind of information as a landowner in any of the regions we're talking about. They have no idea. Constituents in my riding don't know whether they're in protected countryside or in areas of settlement. They have no idea. They have no idea that they just lost the ability to make decisions on their land. They have no idea that they have lost value on their land, that they have lost opportunity in terms of providing for their own retirement on their own land. There are many areas of land ownership that simply disappear with this particular piece of legislation, things as simple as cutting down trees to replace fence posts. That's the kind of thing that almost borders on the absurd. Unfortunately, it's the new reality with this bill.

Ms. Churley: Had I known what was going to happen to this greenbelt legislation, I don't think I ever would have agreed, as the three parties did, to have tonight as the final opportunity to debate this bill, because I have some very serious problems with it. I tried to make amendments at committee, but none of those amendments passed, except one very important one that was accepted, the Minister of Agriculture will be pleased to know, by all three parties, and that was on farm viability. It was a resolution I put forward, which was amended somewhat. Tim Hudak was there from the Conservatives, and the Liberal members and everybody agreed that that amendment should be accepted. But other than that, none of the amendments which could have fixed the problems within this bill were accepted.

There are some very serious shortcomings with the Greenbelt Act, and the recent release of the government's draft growth strategy makes them even more pronounced. This was a concern I had. It wasn't available during the committee hearings and the final clause-by-clause. It was announced just the other day by the minister, and it leaves me with even more concerns about ongoing development around the greenbelt area.

Interjections.

The Deputy Speaker: Order. There seems to be a growing amount of chatter. I'd like to hear what the member for Toronto-Danforth has to say, so please help me.

Ms. Churley: Thank you. They say they're listening, and I'm sure they are.

Before I give you some of my comments, I'm going to read specifically from the Neptis commentary on the greenbelt plan. They say what a lot of the other environmental groups who came before the committee said, and I think they encapsulate the problem I'm trying to identify here, the problem that has not been fixed, but some of which can be fixed. This is the introduction to their commentary on the greenbelt. I'll point out some of the major concerns that I wanted to fix. It says:

"Yet the proposed plan will not solve the problem of protecting vulnerable lands at the scale of the region. Most of the problems the government has vowed to rectify are not, in fact, confined to the greenbelt. Most of

the region's environmentally sensitive lands and features, and much of its prime agricultural land, lie outside the proposed greenbelt and are already facing strong development pressure. A limited belt of protection will not only leave lands outside the belt vulnerable but could actually increase pressure on them by deflecting development beyond the belt and by implying that they are somehow less deserving of protection."

It goes on to say, "As well, the proposed greenbelt will do little to promote a more compact, efficient, transit-supportive form of development at the edges of the region's cities and towns. The plan would provide a swath of unprotected farmland more than twice the size of the city of Toronto between its southern and eastern boundaries and the current edge of urban development in the GTA and Hamilton. Without the introduction of a range of new policies, plans and programs, these lands will likely be converted over the coming decades to the same business-as-usual auto-dependent sprawl that the government aspires to avoid. In areas such as south Simcoe and Wellington counties, the greenbelt may engender unplanned 'leapfrogging' beyond the belt."

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I'll skip a few pages and read a little more: "The problems of future sprawl will be particularly acute for those who live at the edge of the urban area, in places like north Oakville, north Brampton, Woodbridge, Richmond Hill and Markham. These areas are already experiencing traffic congestion, but are not designed to accommodate public transit networks."

On the next page: "Will the greenbelt help?"

"Although the greenbelt would prohibit urban expansion within its own boundaries, it would not generally serve as an effective regional growth management tool—at least, not for several decades. The claim in the plan that the greenbelt will serve as the 'cornerstone' of a new regional growth plan is overstated."

Those are some of the comments that we heard time and time again during the committee hearings and in clause-by-clause, and which my amendments attempted to deal with.

So yes, the greenbelt is protecting some environmentally sensitive land, and yes, the proposed greenbelt is protecting some agricultural land. Nobody is denying that. If the government would just admit that that's what it's trying to do here, but that it's failing in its stated plan to actually bring in a permanent greenbelt that curbs urban sprawl, then I'd say, "Fine, let's go with that. Let's all admit that's what this is doing, and that's a good thing."

I got kicked out of the Legislature the other day, Mr. Speaker, as you know. You weren't in the chair, but I got kicked out. I don't like calling—I didn't actually call him the L word, but I did use the L word in terms of his response to a question I asked about what we now call the "floating greenbelt." The minister stood up again tonight and said it's a permanent greenbelt. It is not a permanent greenbelt. What he did, when I asked him a question about that, was to reiterate again that it is a

permanent greenbelt. He went after me and quoted a couple of times when I said, "Yes, I will be supporting the greenbelt," and chastised me for daring to question him on this.

I gladly stood up in this House when the greenbelt was first introduced. And I believed the minister—foolish me—when the minister said it was going to be a permanent greenbelt. I was very pleased, because this was so desperately needed. But then, as time went on and we had a chance to read the greenbelt legislation and we had the hearings and heard from people who had examined it, it became increasingly clear that there was a problem—many problems. The fact that it was not going to be permanent was one of them.

So yes, I said I would support a permanent greenbelt, thinking that's what was before us. But it isn't, and the minister keeps saying that it is. I stood up to say that John MacKenzie, a spokesman for Municipal Affairs Minister John Gerretsen, conceded that there is a provision in the greenbelt to allow the government to modify the greenbelt boundaries. This is a staff member of the minister whom I've been dealing with, a nice guy who worked really hard on this and who I think was really committed to doing the right thing. In fact, I know he was. It didn't work out for him, as it didn't for me. But he has admitted this as well. It is not a permanent greenbelt. It's floating. The minister can move it around. Yes, you can keep the premises: as long as you have the same acreage of land, then it's okay to take something from the south—good, prime agricultural land—and bring something maybe from the north in to replace it. That's not permanent.

So I told the minister that if he gets up and keeps accusing me, in a sense, of breaking my own word here or being hypocritical—I can say it in this case because I believe that's what he was suggesting, because I did say I'd support it. I want to be really clear that what I said was that I would support a permanent greenbelt.

What we have here—and I should have known, because by now the McGuinty government is infamous for breaking one promise after the other after the election. Laying the groundwork here, one of the first broken promises was the 6,000 new homes on the Oak Ridges moraine about which they lambasted the previous government and said, "If we get elected, come hell or high water, we will stop those houses from being built." And then what happened? In no time at all, they caved in to the developers and built those homes.

I believe that one of the partially good things that came out of that was that the government was really desperate to put on the green cloak, and worked hard to come forward with the greenbelt. But at the same time, I should have known it wasn't as good as it looked. I was the Minister of Consumer and Commercial Relations, and one of the things that I learned is that if it looks too good to be true and if it sounds too good to be true, it usually is. Read the fine print. That has to be true when it comes to government bills too. Read the fine print really carefully.

I'm going to refer to what some respected critics, such as the Coalition on the Niagara Escarpment, said regarding the government's so-called permanent greenbelt:

"The Liberal Party majority on an all-party legislative committee examining the Greenbelt Act, Bill 135, voted down an opposition amendment that would have made the Golden Horseshoe greenbelt boundaries permanent. In so doing, the Liberal government has broken an election promise made in 2003 and repeated when the Greenbelt Act was first introduced in the Legislature in October 2004 that the greenbelt would be 'permanent.'"

These are the long-standing protectors of the Niagara Escarpment plan saying that the greenbelt isn't permanent. It's not just me.

With respect to the greenbelt's lack of permanency, CONE goes on to state: "Over time, lands at the 'inner' boundary of the greenbelt that are the subject of more intense urban development pressure may be taken out of the greenbelt in exchange for lands elsewhere, likely at the 'outer' edges that experience less development pressure. The result could be yet more urban sprawl. It is possible that the entire greenbelt could slowly 'migrate' outward as urban boundaries are allowed to expand at the edges of existing cities in the Golden Horseshoe."

This is a very serious problem. That's why I am focusing on it. It's a very serious problem. It is not a permanent greenbelt. It's a problem that the Liberal members, the majority on the committee, had an opportunity to fix by supporting the motion.

There's a great deal of disappointment in the conservation and environmental community regarding this greenbelt not being permanent. To this end, the Coalition on the Niagara Escarpment goes on to state:

"The Liberals have painted themselves green and CONE had held out great hopes for this government's environmental initiatives. This decision seems to demonstrate, however, their true colours shining through. We expected better."

I share the coalition's disappointment in this, I really do, because I am extremely supportive of a permanent, real greenbelt. The Liberals promised Ontarians a permanent greenbelt and what they've delivered instead is what we call a floating greenbelt. It floats. It can move around. During clause-by-clause in committee, I introduced a motion, as I said, to remedy the problem. I actually thought it was an oversight. I really did. There was even interest, I believe, from the government side in my amendment. There was a lot of discussion and back-and-forth. Remember that, Tim? Then I think the whip came in and cracked the whip and when the chips were down, Liberal members of the committee voted against a permanent greenbelt. They brought in—you remember this—a weird amendment to my amendment, I believe, that did nothing except keep the status quo in the bill. We'll still be able to move pieces of the greenbelt around.

Perhaps most importantly, this floating greenbelt, which provides the government with the ability to remove lands from one area as long as they add lands in

another, makes a mockery of the government's claim that the greenbelt is a cornerstone of the government's efforts to curb urban sprawl. I ask the government, how do you expect the greenbelt to stop urban sprawl when developers know very well that when they need more land it can simply be carved off at the bottom of the greenbelt as long as an equal amount of land is added somewhere else, most likely along the northern boundary?

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I believe that what this is all about, sadly and unfortunately, is eliminating fears in the development community that their lands inside the southern boundaries of the greenbelt will be frozen, eliminating the opportunity for future development. Of course, if that's the truth, if that's the reality here, it just backs up my and others' claim that this greenbelt will not prevent urban sprawl.

I want to take a few minutes now to talk about sprawl, highways and infrastructure. In committee, I also introduced a motion to expand the greenbelt to include the pieces of land lying between the southern greenbelt boundary and designated urban areas. I'm not allowed to show maps in here. I guess it would be considered a demonstration, which is too bad, because I'd really like to demonstrate exactly what I mean by the greenbelt and the other bands around it. As we heard in the committee, this piece of land I'm talking about, which has been referred to as peach fuzz because of the colour on the map and various other things, is actually better farmland than the land included in the greenbelt. This was told to us by the Christian Farmers group and others. This amendment was also voted down by the Liberal members. What is clear is that without the inclusion of these pieces of prime farmland—that is, the land left stranded between the greenbelt and the designated urban centres—urban boundaries will continue to sprawl to the south of the greenbelt. I already quoted from the Neptis Foundation on the implications of that.

Not only are existing urban centres going to continue to sprawl on to lands south of the greenbelt, but areas to the north and east of the greenbelt, such as south Simcoe and Northumberland county, are also experiencing extreme development pressures. The committee heard time and time again during the public hearings about what is now constantly referred to as leapfrog development. We've raised it many times here in the Legislature during the course of discussing this greenbelt legislation. There are a couple of problems. With the fact that the south Simcoe area is left out, development will simply—it already is—leap over the proposed greenbelt, which will increase urban sprawl. It will just mean that people will have even farther to drive to get into the city or wherever they're going, along with all the infrastructure that has to be built.

Communities in south Simcoe, such as Bond Head, are facing proposals from Metrus Development and the Geranium Corp. to develop a city of 70,000 people on 6,200 acres, of which 78% is prime farmland. The council of the town of Bradford West Gwillimbury recently passed a motion requesting the minister to

include—this is a request to be included in the greenbelt—the Bond Head heritage highlands in the greenbelt, but so far the council's request, like the request of the regional municipality of Waterloo—remember that? They came and begged to be put in because they feel that their own municipal bylaws etc. are not enough to protect them, as there are such development pressures. The region of Waterloo and the Bond Head area are begging. They want to be put in. The municipality just passed such a resolution, but the government has not included them in the greenbelt.

Now, the good news about this is that it's not too late. It is too late to fix the floating boundary aspect, because the amendments to that within this enabling legislation were turned down and there is nothing more we can do about it. That will have to wait until the NDP is back in government so we can fix that.

Mr. Lou Rinaldi (Northumberland): You never know.

Ms. Churley: Well, you never know.

But that cannot be fixed right now, unfortunately, unless we were to bring it out to committee and try the amendment again, which I think is highly unlikely. But the good news is, this enabling legislation does allow the minister, between now and March 9, to set the final boundaries of the greenbelt by regulation. So unfortunately, after the fact, the minister and cabinet can move in and move pieces of land around; they still have the opportunity right now to put these pieces of land into the regulated boundaries for the greenbelt.

I want to talk about something of great concern, and that is the new major highways that are being recommended. I think we really have to question how the sprawl is going to jump the greenbelt and impact areas north of the greenbelt such as south Simcoe. You may be wondering how people are going to access these areas, aren't you, Mr. Speaker, if it's going to be developed up there. What do you think? The answer is, on all the new major highways you are going to build through the greenbelt, as revealed this week in the draft greater Golden Horseshoe growth plan.

Let me tell you about some of these highways. An extension of Highway 404 north to Ravenshoe Road at Keswick means sprawl all the way to Lake Simcoe; an extension of the 427 north into the greenbelt will bring development pressures to the greenbelt's southern boundary; a new 400-series highway from Kitchener, Waterloo and Guelph to Brampton through the greenbelt and fuelling sprawl into the Kitchener, Waterloo and Guelph region; the mid-peninsula highway in southwestern Ontario—

Mr. Hudak: I like that one.

Ms. Churley: I know Tim likes that one.

Mr. Hudak: Don't make fun of that one.

Ms. Churley: I'm just talking about all these highways that are proposed to go right through the greenbelt. After the release of the greater Golden Horseshoe growth plan, the greenbelt looks, unfortunately, more like a highway preserve than an environmental preserve.

Infrastructure: Again, if you build it, they will come. That is a given fact now. Not only has the government decided to carve up the greenbelt with highways, but the Liberal members on the committee also voted down my amendment to the bill that would have kept Great Lakes sewer and water systems from cutting through the greenbelt, fuelling urban sprawl on the greenbelt borders. Running these massive, big-pipe sewer and water systems through the greenbelt just goes against everything the government is claiming it wants to accomplish in its greater Golden Horseshoe growth plan. It's complete doublespeak.

We have heard from many groups that are expressing real concern about this. In fact, I don't know how many people here were aware of it, but there was a press conference recently by the College of Family Physicians, which studied sprawl. I don't know if you were there for that. They found the impact of urban sprawl on human health. They pointed to urban sprawl contributing to increasing traffic fatalities, and air pollution as a factor in rising incidence of respiratory and heart disease. According to the College of Family Physicians, people in car-dependent neighbourhoods walk less, weigh more, have higher blood pressure, a higher incidence of diabetes and heart disease and are more likely to suffer from mental health problems.

Some of these things we've known about for some time, but to have doctors do extensive studies making these links is something I think we need to take very seriously, as well as all of the issues around air pollution and asthma and traffic jams and all of that. There's evidence now that there are a whole host of other health problems that go along with urban sprawl. These links between urban sprawl and human health make it absolutely imperative that the government commit funds to public transit and incentives aimed at urban intensification and not to new highways or Great Lakes-based water and sewer systems through the proposed greenbelt area.

This is something that I've raised many times in the House, and that's the King big pipe, which has caused a lot of controversy. We hear back from the mayor and from those who support it that it's a health issue, and this big pipe has to be built because there are problems with the drinking water in the area. But all kinds of proposals have been put forward to deal with that problem. The concern is that building this kind of huge, massive big pipe through the area will lead to more sprawl.

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I'm going to come to one of my other favourite issues that I've raised many times in this Legislature around the greenbelt, and that is aggregates. I heard the minister say again tonight that this bill is going to improve the situation in the greenbelt area when it comes to the extraction of aggregates. That's just not true. There are a few little restrictions put in here and some natural heritage areas. But actually, things are going to get worse, and I'm going to tell you why. We have to ask the same question: What are all these sprawl-fuelling highways and new infrastructure going to be made from? Aggregates from

the greenbelt, or should I say "gravel belt" at this time? Or perhaps "the park for pits" is more fitting terminology if this goes ahead.

This is very serious. Thanks to the government's revisions to the provincial policy statement released this week, multinational aggregate companies do not even need to prove there is a need to increase aggregate supply prior to developing new greenfield quarries and gravel pits. Congratulations. The Liberal government amendments to the provincial policy statements make their aggregate policy more regressive than the Tories—and who would have thunk it, but it is true—because you did some damage as well. What the Tories did was eliminate provincial monitoring and enforcement of the aggregate industry in 1996, allowing the industry to self-monitor. Now, in 2005, the Liberals, despite an absolute, complete lack of independent information about the supply and demand of aggregates in Ontario, as documented by the Pembina Institute and by the Environmental Commissioner—twice now this warning has come from the Environmental Commissioner—are giving the aggregate industry free rein to carve up the greenbelt as they see fit. This doesn't make any sense whatsoever. This is made even worse by Pembina's conclusion in their report, *Rebalancing the Load: The Need for an Aggregates Conservation Strategy for Ontario*, that the government's aggregate policy fails to adequately explore conservation options as means of reducing demand for aggregates.

All of these come together—the growth plan, the new policy statement, the greenbelt—so that this land use policy is contradictory and, in the end, defeats the greenbelt's stated purpose to preserve environmentally sensitive land such as the headwaters and ecosystems we depend on for clean water, air and biodiversity. By encouraging the continued expansion of aggregate extraction within the proposed greenbelt, the government is undermining the environmental benefits of the greenbelt in the first place. The plan is clear. The changes this week to the provincial policy statement, in conjunction with the permissive approach to aggregate operations in the greenbelt plan, make the greenbelt, unfortunately, a gravel belt. This is not what Ontarians wanted, and this is not what Ontarians were promised. It was not what I thought the government meant when they announced that they were going to bring in a permanent greenbelt.

I'm just going to spend a few minutes talking about the agricultural side of this, because we spent a lot of time listening to and talking to farmers when we went out on the public hearings on a couple of occasions. It was interesting that, during these hearings, Statistics Canada had released a report documenting the fact that Canada's best agricultural land has been devoured by urban expansion over the last few decades. I know that that was the stated goal. That's why the government moved forward. There was a lot of pressure to deal with this. The report is called the *Loss of Dependable Agricultural Land in Canada*. It really provides some sobering facts about why we need to protect our agricultural land. It demonstrates that "in Ontario, in 2001, towns and cities occupied over 11% of our prime agricultural land, and

the demand for land to be used in agriculture grew as the availability of this land decreased." Again according to Statistics Canada, "Farmers have had to bring lower-quality land into production to meet the demand for agricultural products." StatsCan points out as well that "lower-quality land is often unsuitable for stable, long-term agricultural production."

The Wine Council of Ontario came forward in support of the greenbelt. They also talked about some of the very serious issues of farmland in the Niagara region and throughout the province and asked the government to do more in terms of farm viability. They pointed out—and it was sobering information—that this Stats Canada report came out while we were debating the need for a greenbelt.

The protection of prime agricultural farmland is absolutely critical, as well as stopping urban sprawl. But despite the McGuinty government's attempts to preserve some farmland, they lack a plan to deal with the real issue, which is the preservation of farm viability and our farm communities. In terms of the greenbelt and the preservation of farmland, there's real irony in the government's attempt to preserve prime farmland, and it was not lost on the farmers. They saw it.

During the committee hearings on Bill 135, the Christian Farmers Federation of Ontario stated:

"So part of the weakness in this legislation, as far as we're concerned, is that you're only giving permanency to specialty cropland and the Holland Marsh. We badly need it for all of agriculture. Who else would draw to your attention the fact that you're leaving out a whole lot of the best farmland in the greater Golden Horseshoe in the land that has the line drawn around it as greenbelt.... There's some 175,000 acres that you're leaving out with this particular bill."

That came from the Christian Farmers. So it's not just the environmentalists and it's not just me and conservationists and some of the other groups that came before us; this is from an important farm group which is very anxious to preserve and conserve farmland, particularly viability for the small family farm.

The Christian farmers went on to say, "On average ... once you take out the specialty cropland and the Holland Marsh, the land you're leaving out is of significantly better quality than the farmland you're protecting in the greenbelt. It troubles us deeply that the approach of the greenbelt is to protect the mediocre-quality farmland."

This backs up what I was saying earlier, that this not only fails to preserve prime farmland but fuels urban sprawl, both of which are contrary to the stated objectives of the act.

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With regard to including truly prime farmland in the greenbelt instead of some Liberal construction of what constitutes prime farmland, we were speaking this week—my leader, Howard Hampton, who is also our agricultural critic, may or may not be in to speak to this issue as well. I know that he wants to and may be heading this way. But I am speaking on behalf of the NDP leader and myself, because we both met with these

people. They were farmers from the area of Bond Head and West Gwillimbury, where there are incredible increasing development pressures as a consequence of the greenbelt being implemented just to the south. These farmers work prime farmland and run dairy operations. I'm just going to give you some information about what they said. This is the group I referred to earlier, who want to be included in the greenbelt, who are begging to be included in the greenbelt. The municipality has just passed a resolution asking the government to include them in the greenbelt, and yet they have not been, to date. This is why they told us they needed to be included: Each acre of land in Bradford West Gwillimbury averages \$1,031 of farmgate sales; the Ontario average is \$560 per acre. Every acre in Bradford paved over for development means that these annual sales are lost forever.

The development pressures in this area are extreme. Presently the Geranium Corp. has partnered with Metrus Development—I believe I mentioned this earlier—to propose a city of 70,000 people in the town of Bradford West Gwillimbury. There's a proposed city of 70,000 people on prime farmland at the edge of the greenbelt boundary, with one of the owners being among the biggest development companies in this country, and suddenly, it appears the Liberal stomach to preserve prime farmland ends. Go figure. What is going on here? Why is this land not included?

I am sure that the government and, I assume, the Minister of Agriculture are aware—if the minister isn't, he should be made aware—that last week the town of Bradford West Gwillimbury passed a motion at council requesting that they be included in the greenbelt. They have been ignored so far. The farmers were asking to be included even before the resolution. The time is running out, but as I said earlier, there is still time to bring this area into the greenbelt. So I'm calling on the government tonight to stand up and say that they will include this truly prime farmland in the greenbelt so it won't be paved over and lost forever, along with the continual economic contribution it makes to the local and provincial economy. That is what will happen. This is a very good example of some prime farmland, of farmers who want to be in the greenbelt and are being ignored.

There are some farmers, no doubt about it, who don't like the greenbelt and are concerned about losing—some of the Tories have talked about this—the speculative value. Some were planning on using that to retire. That's all true; those concerns were raised. But time and time again, what we heard from the farmers, whether they liked the greenbelt—some do—or whether they didn't like the greenbelt—I can assure you some don't—was that, with or without the greenbelt, the farming community is in an unprecedented crisis and desperately needs support. That's because of a whole bunch of reasons: commodity prices; it goes back to free trade and how that's been dealt with; BSE; a lack of government support on all levels. There's a whole host of reasons for why there is such a crisis in the farm community. But they did talk about some of the things that need to be done. They made some recommendations to us.

These farmers in the town I was just talking about, for instance, who want their farming community included in the greenbelt, are dairy farmers. Given the supply management system for dairy operations, they are guaranteed their cost of production, so they are profitable. They told us that. But many farmers both inside and outside the greenbelt are not so lucky.

I mentioned earlier—and I believe this was an important step for the farm community within the greenbelt—the one NDP motion that passed the committee with unanimous consent, which dealt with the importance of farm viability and the viability of small towns within the greenbelt. This is just an amendment to a seriously flawed act, but it is an amendment that was accepted, and we want to see some action from the government.

We know that the farm community in this province is in a crisis, and the McGuinty government clearly has no plan. These farmers need to see a plan. My view is that the greenbelt in itself, along with all the other pieces of legislation that have been brought in, particularly since the crisis in Walkerton, impact our farmers. There's the Nutrient Management Act, the Safe Drinking Water Act, the greenbelt now, and a number of others. They did get reinstatement on the Drainage Act, I heard today. What we're hearing is, there are huge impacts on them with all these new acts that they have to comply with, as well as all the other more international and larger-scope problems. This is the tip of the iceberg. It's like, "Oh no, not one more thing that's going to impact us," without any kind of support within the greenbelt, without any plan brought forward to tell the farmers that the help is going to be there.

I know some people might be thinking, "What does she know about farming? She represents an area in downtown Toronto." I guess I've learned a lot about the agricultural community in this province over the years I've been elected here. But I should also say that people know that I came from Newfoundland. It's a different kind of farming there: fish farming. People used to fish in Newfoundland. I remember when the fishermen, as they were called then—the fishers—would talk about disappearing fish.

Interjection.

Ms. Churley: Ah, he's here to talk about farming. I'll wrap up in a sec.

They talked about the disappearing fish, and nobody listened to them. They're the stewards of the water. They knew the fish were disappearing, and they weren't listened to. Then, of course, the fish did disappear and the fish still haven't come back. So when farmers say to us that small farms and the agricultural land in this province are going to disappear unless the government does something, I tend to listen to them.

I'm going to turn the floor over to the NDP agricultural critic now, our leader, Howard Hampton, to finish the debate for New Democrats tonight. Thank you for this opportunity.

Mr. Howard Hampton (Kenora-Rainy River): There are a number of problems with the government's

stated objectives for the greenbelt, and we've heard many of them detailed here tonight. I want to spend my time to focus on two related problems: first, the protection of prime agricultural farmland, and second, despite the McGuinty government's attempts to preserve some farmland, their lack of a plan to deal with the real issue, which is the preservation of farm viability and the preservation of our farm communities.

First of all, in terms of the protection of prime farmland, in terms of the greenbelt and the preservation of farmland, the irony of the government's attempts to preserve prime farmland hasn't been lost on farmers. During the committee hearings on Bill 135, the Christian Farmers Federation of Ontario stated:

"Part of the weakness in this legislation, as far as we're concerned, is that you're only giving permanency to specialty cropland and the Holland Marsh. We badly need it for all of agriculture. Who else would draw to your attention the fact that you're leaving out a whole lot of the best farmland in the greater Golden Horseshoe in the land that has the line drawn around it as greenbelt.... There's some 175,000 acres that you're leaving out with this particular bill."

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The Christian Farmers further state, "On average, ... once you take out the specialty cropland and the Holland Marsh, the land you're leaving out is of significantly better quality than the farmland you're protecting in the greenbelt. It troubles us"—meaning farmers—"deeply that the approach of the greenbelt is to protect the mediocre-quality farmland." This is the Christian Farmers Federation speaking.

Leaving this land out not only fails to preserve prime farmland but, as demonstrated here earlier by my colleague the member for Toronto-Danforth, this is what fuels urban sprawl, both of which are contrary to the stated objectives of the McGuinty government's act. With regard to including truly prime farmland in the greenbelt instead of some Liberal construction of what constitutes prime farmland, we were speaking this week with farmers from the area of Bond Head and West Gwillimbury, where there are increasing development pressures as a consequence of the greenbelt being implemented just to the south of them. These farmers work prime farmland and run dairy operations. Each acre of land in Bradford West Gwillimbury averages \$1,031 of farmgate sales. The Ontario average is \$560 of farmgate sales per acre. Every acre in Bradford West Gwillimbury paved over for development means these annual sales are lost forever.

The development pressure in this area is extreme. Presently the Geranium Corp. has partnered with Metrus Development to propose a city of 70,000 people in the town of Bradford West Gwillimbury—prime agricultural land, some of the best agricultural land going. A proposed city of 70,000 people on prime farmland at the edge of the greenbelt boundary with one of the owners being among the biggest development companies in the country and, suddenly, the Liberals' stomach to preserve prime farmland ends—ends. Go figure.

I'm sure you are aware that last week the town of Bradford West Gwillimbury passed a motion at their council requesting that the McGuinty government include their town in the greenbelt. These are rural residents, many of them farmers, who know that this is prime agricultural farmland. They've debated the issue, they've looked at what's going on here, and they're asking to be included in the greenbelt. Why? First of all, they want to avoid the urban sprawl of 70,000 people and, second, this is prime agricultural land. This is what you say you're trying to protect. So they've passed a resolution at council, they've written to the Premier, they've written to the Minister of Agriculture and the Minister of Municipal Affairs, and what have they heard from the McGuinty government? Nada. Not a word, not a peep, not a whisper. There's a huge contradiction here someplace. Prime agricultural land should be preserved. A community wants to avoid urban sprawl and doesn't want a 70,000-population new city right next to the existing greenbelt. You'd think that, in half a second, this would be included in the greenbelt. Not a chance. Any reasonable observer descending to earth and looking at this would say, "What is going on here? How could this be?" Somebody is saying one thing out of one corner of their mouth and doing something else—something totally contradictory.

So here's a municipal council, here are farmers, here are rural residents who've requested, "Include us in the greenbelt. We're prime agricultural land. We don't want urban sprawl, we don't want to do a 70,000-population city," and the McGuinty government is ignoring them.

I'm calling on the government tonight to include this truly prime agricultural land in the greenbelt so it won't be paved over and lost forever, along with the continual economic contribution it makes to the local and provincial economy. I think Bradford West Gwillimbury will be the test. If you're serious about protecting prime agricultural land, if you're serious about avoiding more urban sprawl, here's the test case. Here's a community that's holding up the red flag, saying, "We hear what you're saying. We should be included." So far, they haven't heard a peep from the McGuinty government.

I just want to use my remaining time to talk about farm viability, because I think most people know, or ought to know, that there's a real crisis in farm viability out there; a very serious crisis. I've been saying it over and over again, I know farm representatives have been saying it over and over again, and next week, on March 2, I venture to say you're going to see thousands of farmers and rural residents here at Queen's Park saying it in terms and in a voice that this government won't be able to ignore. Farm viability is a big problem, and so far, the patchwork announcements that this government has made over the last year have accomplished very little. They're going to come asking this government for some answers on farm viability.

These farmers in the town of Bradford West Gwillimbury, who want their farming community included in the greenbelt, are dairy farmers. Given the supply manage-

ment system for dairy operations, they are guaranteed their costs of production, so they can make a living—not necessarily an easy living, but a living. But most farmers, both inside and outside the greenbelt, are not nearly as lucky.

As to the Greenbelt Act, the one NDP motion that was passed in committee, with unanimous consent, dealt with the importance of farm viability and the viability of small towns within the greenbelt, but this is just one amendment to a seriously flawed act. That amendment itself will not clean up all the flaws in this government's Greenbelt Act.

The real issue, the broader issue—and the Minister of Agriculture and Food and rural affairs is here tonight. The broader issue, Minister, is that the farm community in this province is in crisis, and so far, the McGuinty government doesn't seem to have a plan.

Minister, your government has an investment plan for the auto sector: \$500 million over five years. It's a co-investment strategy. You'll invest some money in operations if Ford will reinvest. That's what's happening in Oakville. You'll invest in a paint plant with Chrysler in Windsor if they'll invest. I happen to think it's a good strategy. In fact, it's a better strategy than just offering these corporations tax cuts, because in the modern world, they'll take the tax cuts and invest somewhere else, most likely China or somewhere else in the undeveloped world.

You've just announced enhanced tax credits for the film and television production industry in Toronto. I'm told by our researcher that with the enhanced tax credits, it potentially comes to over \$100 million a year. In other words, you'll invest in the television and movie production industry if the industry itself will invest. It has the capacity to sustain and create jobs in the Toronto area. It's probably a good strategy—far better than just offering them tax cuts.

The government has just announced a \$400-million reinvestment strategy in the casino in Windsor to sustain and, you say, create jobs there. Whether this is going to be a good investment strategy or not, we'll see. I recognize that you've got to do something in Windsor because revenues are falling and usage of the casino is falling.

If your government can afford those investment strategies on the gambling side, on the movie and television production side, the auto side, where's the reinvestment strategy for the agricultural sector? Farmers need it. They need to know that this government has a strategy. Otherwise, tens of thousands are not viable and, within six months, they'll be out of business. I don't think I need to tell the Minister of Agriculture what that means for the broader community in rural Ontario. Once the farmers go, it's a domino effect and lots of other things go too.

So farmers have heard you. They heard you say in the greenbelt strategy that you wanted to protect farm viability. Where's the plan? We see a plan for the auto sector. We see a plan for the movie and television production sector. We see a plan for the casino in Windsor. Where's the plan for the tens of thousands of

farmers who are staring at bankruptcy, who are watching the possibility of their farm operation terminate? So far, they haven't heard an answer.

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At present, Ontario farmers are being forced into the streets. You've got more farmers working away from the farm now, working at jobs outside the farm to try to support the farm, than ever before. They want to hear some indication from the McGuinty government that you've heard the wake-up call.

During the recent committee hearings on the greenbelt, farmers from across southern Ontario told their stories. The one constant was that they wanted farmland preserved. But—and this is the big “but”—they also wanted the government to show leadership and move to implement long-term strategies to deal with the farm crisis.

To begin to address the farm crisis, the McGuinty government can move on a key recommendation of your own Greenbelt Task Force, recently also requested by the Ontario Federation of Agriculture, namely, the establishment of a task force on the viability of agriculture in Ontario. To quote the Greenbelt Task Force, “Protection of the land alone does not ensure agricultural viability, and the province should pursue complementary initiatives including economic development, research and monitoring, promotion of agricultural easements and land trusts for farmers who participate in conservation activities and use best practices and management.”

Instead of undertaking a meaningful study of the farm crisis that is decimating farmers and farm communities across the province, what does the McGuinty government do? It appoints a two-person agricultural advisory team, one of whom was a former federal Liberal cabinet minister, gives them a ridiculously narrow mandate and sends them off to plumb the depths of Ontario agricultural policy. Let me tell you, there are depths of despair out there, but that's not what your advisory team is going to do anything about.

So here it is. Here is the McGuinty government's farm viability study, all nine pages of it—nine pages. You've got more farmers facing bankruptcy than ever before and your advisory committee comes back with nine flimsy pages: no co-investment strategy such as we see in the auto sector, no enhanced tax credits such as we see in the film and television production industry, no \$400 million such as we see for the casino in Windsor. Nine flimsy pages: That's all the McGuinty government can manage on this file. This is not the policy response you provide to the second-largest contributor to the Ontario economy, which the farm sector is. Ontario farmers are under unprecedented stress.

For example, at present, a Michigan farmer's cost to produce corn is \$2.56 a bushel, and that same farmer is guaranteed \$2.63 a bushel through government subsidies, whereas that same corn is being dumped into the Canadian market at about \$2 a bushel. I tell the Minister of Agriculture, I had a really interesting conversation

with some farmers from down around Chatham—corn farmers. You and the Premier have been down to Chatham talking about gasohol and what a wonderful opportunity that's going to be for Ontario corn farmers. In fact, Ontario corn farmers around the gasohol plant there are going under because the gasohol plant is, for the most part, purchasing subsidized American corn from Ohio. Is this the McGuinty government's agricultural policy? Is this your farm viability policy, to go out and hold a press conference advocating gasohol and then purchase subsidized corn from Ohio? I tell you, farmers down around Chatham are pretty angry. They're just about at their limit for talking. They want to see some action, and they don't want to see action on more subsidized American corn coming from Ohio while they go bankrupt.

These distortions are putting Ontario farmers in the poorhouse, and once again, the McGuinty government is nowhere to be seen. Farmers in Ontario need some means of having their costs of production dealt with, of having those costs of production addressed. Their unfair competition south of the border has it in spades. But the McGuinty government so far has no plan for Ontario farmers.

Protecting farmland without protecting the viability of farmers, as you heard time and time again during the greenbelt committee hearings, is a fast track to nowhere. In fact, let me tell you what'll happen: You'll set that farmland aside to be protected, farmers won't be able to farm it, they'll go under, and you'll have farmland sitting there not being used. In seven or eight years, as development pressures continue, some of you will be saying, “Well, why don't you develop that land?” Lo and behold, away goes the greenbelt.

You've got to have a farm viability plan, and so far the McGuinty government doesn't have one. When are we going to see it? Then you can talk about a greenbelt strategy with some integrity.

The Deputy Speaker: Questions and comments?

Mr. Gerretsen has moved third reading of Bill 135. Is it the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those opposed, say “nay.”

In my opinion, the ayes have it.

Call in the members; this will be a 30-minute bell.

I've been handed, pursuant to standing order 28(h), a request that the vote on the motion by Minister Gerretsen for third reading of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994, be deferred. It's signed by the government chief whip.

It being 9:30 of the clock, I think we'll agree.

This House is adjourned until 10 a.m. on Thursday, February 24.

The House adjourned at 2130.

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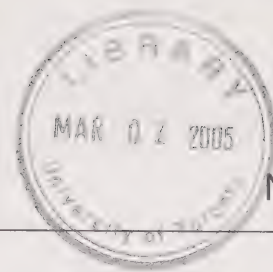
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**Official Report
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**Journal
des débats
(Hansard)**

Thursday 24 February 2005

Jeudi 24 février 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 24 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 24 février 2005

The House met at 1000.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

FARM IMPLEMENTS AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES APPAREILS AGRICOLES

Mr. Hardeman moved second reading of the following bill:

Bill 168, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector / Projet de loi 168, Loi visant à assurer l'équité, à favoriser la concurrence et le choix chez le consommateur et à encourager l'innovation dans le secteur des appareils agricoles.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Hardeman, you have 10 minutes to lead off.

Mr. Ernie Hardeman (Oxford): Thank you very much, Mr. Speaker, and thank you to the members of the Legislature who will participate in the debate on this bill this morning. I'm confident that I will hear only supportive, positive comments, as I'm sure everyone here, after reading Bill 168 and the explanatory note, will see the necessity of creating a fairer playing field in the farm implement industry.

I'm very happy to be able to rise in the House today and bring forward legislation that will make needed changes to the Farm Implements Act. These changes follow the lead of the United States and the majority of provinces in Canada. They are being made because present legislation such as the federal Competition Act, the Ontario franchise legislation and the Arthur Wishart Act are not effective in this instance. It's also worth noting that these jurisdictions have not received any legal challenges where they've implemented these changes, and I say this only because I would like to point out that this legislation sets no legal precedent for any equipment dealers other than farm implement dealers. It is meant to address a very specific injustice happening in a specific industry.

The proposed changes to the Farm Implements Act have come before this House before. In 2001, Toby Barrett, the member for Haldimand-Norfolk-Brant, introduced the Farm Implements Amendment Act for the first time. In his first reading statement, he rightly pointed out these changes are needed to "remove dealer exclusivity as an irritant in dealer/distributor agreements by allowing dealers to sell farm machinery from any distributor or manufacturer." He also pointed out that dealers need to be protected from contract termination without cause, and finally, that distributors need to be discouraged from imposing discriminatory contracts on individual dealers and small distributors that would not let them share warranty costs, parts supply and inventory responsibilities with their manufacturers.

Changes similar to those found in Bill 168 can also be found in the previous Rural Red Tape Reduction Act, which I was pleased to introduce in 2003, after the original version was prorogued. The rural red tape act was produced to encourage economic growth, entrepreneurship and innovation in rural Ontario. I believe the bill I bring for second reading debate this morning does just that.

The content of the rural red tape act was produced after a series of consultations that were held to determine how to improve investment, reduce red tape and remove barriers to jobs in rural and remote parts of the province.

In the spring and summer of 2000, Dr. Doug Galt, the then MPP for Northumberland, held a series of consultations with a broad range of rural stakeholders across Ontario which led to the report of the Task Force on Rural Economic Renewal. Rural red tape reduction was one of the key recommendations of the task force report.

In the summer of 2001, Minister Coburn, then-Minister of Agriculture, Food and Rural Affairs, hosted a series of small business round tables across Ontario. In the fall of 2001, the Red Tape Commission had consultations with over 600 small business owners in 20 communities across the province. In June of 2002, the Premier at the time, Ernie Eves, along with Minister Helen Johns, held round tables with the province's agriculture and food industries to establish key priorities to strengthen rural businesses. For two years, consultations were held with rural stakeholders, small businesses and the province's agriculture and food industries to establish key priorities to strengthen rural businesses.

Drawing on the consultations, the Ministry of Municipal Affairs and Housing and the Red Tape Commission initiated a red tape reduction project that recognized the unique challenge of rural communities. To this

day, government red tape continues to be cited by rural economic development organizations as the key factor limiting competitiveness, investment and job creation in rural Ontario.

Our government responded to farmers and farm implement dealers, distributors and manufacturers who asked for increased flexibility for the Ontario farm implement industry. They wanted to provide better customer service in repairs and warranties and to foster more choice for farmers by preventing barriers to competition. Unfortunately, the previous attempts to change the Farm Implements Act were unsuccessful because they were unable to complete the legal process necessary to become law before the last election. But the problem is still there.

It is with great hope for all-party support that I bring before this Legislature a bill that would finally be able to address the problems that are plaguing the industry. The Farm Implements Amendment Act, 2005, once again brings to the table the changes that will encourage economic growth, improve the environment for investment, reduce red tape and remove barriers to growth in rural Ontario. It will see that no large implement manufacturers can force implement dealers to carry only one line of product or a line that no one in their area needs or is interested in. It includes measures to remove burdens placed on farm implement dealers, distributors and manufacturers and the farm community they serve. It will allow dealers to carry short-line equipment, local equipment and to provide a more competitive environment in which farmers can have more choice and greater freedom to purchase equipment that will better suit their needs and budgets. And it will finally settle a negotiation point that has been unable to be solved going on for 15 years.

The bill demonstrates my commitment to building sustainable business and stronger rural communities. The Minister of Agriculture and Food supported the bill when he was critic. He said of Toby Barrett's bill, "As the critic responsible for agriculture for the Liberal Party, I want to commend the member ... for his initiative ... that is going to have a great benefit and a real" positive "effect in rural Ontario."

1010

He goes on to say, "At times I've stood in this Legislature and been critical of the government in their commitment to rural Ontario, but today I'm not going to stand up and criticize the government for this initiative. I think it is a good initiative, and it's one I've recommended to our party that we support.... I think it is essential and incumbent on us as legislators that we look after the small distributors and manufacturers comprising what's known as the short-line farm implement industry in this province, which generates over \$240 million annually for the Ontario economy."

The member from Elgin-Middlesex-London only suggested it was taking too long, that we had done too many consultations needed to pass the legislation changing the Farm Implements Act faster. My esteemed colleague from Timmins-James Bay, Mr. Gilles Bisson, criticized the bill because it didn't address dealer purity

policies as definitively as he would have liked. I want to assure him that that clause has been amended and included in the bill. The minister was very supportive of this legislation then, and while I do wonder why he hasn't tabled the bill himself, I'm happy to do so on behalf of the farmers of Ontario. I'm sure the minister's previous statements are indicative of how he will vote on this bill, and I look forward to his support.

Here is an opportunity to do something for the stakeholders. The minister can help an industry in crisis. This bill has no budget impact; it merely allows for more freedom within the farm implements industry. No one can plead poverty on this one. This bill is supported by the Ontario Retail Farm Equipment Dealers Association, the Ontario Federation of Agriculture, the Ontario Farm Equipment Manufacturers Association, the National Farmers Union and the Christian Farmers Federation of Ontario. I could continue with the list of organizations that support this bill.

I am happy to resurrect the Farm Implements Amendment Act to respond to the farmers and farm implement dealers, distributors and manufacturers, who are asking for increased flexibility for the Ontario farm implements industry. When the minister was critic, he told us, "As we have a real mix of urban and rural representatives in this Legislature, it's important that I encourage and urge the urban members in particular to support this. You need to understand that there are differences between urban and rural Ontario, and that often what's best for Toronto isn't necessarily best for rural Ontario. I urge all the members to support this initiative because this is something that is going to have a positive effect in rural Ontario."

Minister, I ask that you vote and encourage your urban members in particular to support this, because you said you would. Every one of us in this Legislature, urban or rural, has to get up in the morning and eat. It's incumbent on every one of us to do everything we can to ensure that the agriculture industry and this province remain competitive and that we continue to be leaders.

Thank you very much for allowing me to introduce this bill and for patiently hearing my presentation. We do look forward to further comment and, in the end, support for this bill.

Ms. Andrea Horwath (Hamilton East): I want to start by commenting on the member for Oxford's last few comments around the issue of urban members and whether or not urban members understand the importance of this particular bill.

But first, congratulations for bringing it forward. It's certainly long overdue—not that I have been here to see how it has gone through the process, but my understanding is that it is long overdue, and I congratulate the member for Oxford for bringing it forward.

I actually am one of the members who represent an urban riding, the riding of Hamilton East. But I also have the privilege of having that riding sit in a municipality that has a significant rural-agricultural base. I grew up in a place called Stoney Creek, which has a great number of farms still there and of course a very active tender fruit

belt area. The riding I represent is surrounded by a couple of other urban ridings, but those are then circled by a great deal of farmland: the Glanbrook area, the Flam-borough area, the Stoney Creek area. All of those are very rural, and farmers' issues are not something that I am unaware of.

Having represented, at that time, the downtown area of Hamilton on city council after amalgamation came to the city in the year 2000, I spent several years learning more about what was happening in the agricultural areas of our great city because, quite frankly, it was an obligation of mine—and a serious obligation, I thought at the time—to make sure I understood what the rural representatives were bringing to the table. Whether that was an issue of planning and subdivision of farms, for example, or whether an issue of roads and speed limits and those kinds of things, the reality is that the rural areas are quite unique. Farming particularly is an area that has not been well supported over the years by governments generally.

I see this bill as something that is long overdue and much needed by the farm community. It means support for farmers, which we haven't seen enough of in this Legislature. As an urban member, I'm very proud to say that I will likely be supporting this bill; in fact, I know I will be supporting this bill. Farmers are a group of people that this government and, unfortunately, previous governments as well have not done enough for. From my perspective, that could be in some small way corrected by Bill 168.

When you look at what has happened in farm communities, when you look at what has happened in the farming industry, if you want to call it that, in Ontario over the last couple of years, there have been quite serious challenges that have faced farmers. Whether that challenge is BSE and the subsequent restriction of beef imports to the United States and what that has done to cattle prices, or whether it's going back even to globalization of free trade and what that did to the ability of our farmers to compete in a more unrestricted market, when we look at those kinds of impacts that farmers really had no control over but were asked to adapt to and still provide the kinds of goods that we need, as was mentioned by the member for Oxford, to survive, then you know they have been hurting. They certainly do need all the support they can get from their governments.

When you look at the effect even recently, over the last year or two, of the climbing Canadian dollar and what that has done in terms of the ability of farmers to compete, it's the same as what has been happening in industry and other places, the same kinds of impacts that have had a serious effect on our economy overall. The same thing has happened in the farm industry. What we see is that with that competition increasing the value of goods, the amount of dollars that can be obtained when there's not that extra give in the value of the Canadian dollar, then that had a serious impact on farmers. Really, this bill, although it won't affect that piece, does send out a signal that farmers are not being ignored in this Legislature. Although they may have felt that way by the

government, certainly this bill brought by the opposition member from Oxford does let them see that there are some people here who are concerned about the issues they have and the ways we can find to correct some of their concerns.

I just wanted to go through what I understand is happening in some of the specific industries, some of the specific farming areas. I've talked about things like the high Canadian dollar. One of the things I haven't talked about, though, is the issue of other variables that are not manageable, are not something that can be affected by farmers yet where the farmers are affected by the results of these things: things like weather patterns, things like rain, things like drought, things like freezing—weather that does not do well for crops. I think about, particularly in the region that I come from, understanding the seasons and how whether they arrive on time or leave on time will affect everything from the quality of a grape to the ability of the wine industry to make icewine that year. Similarly, the way that the weather and its fluctuations affect the ability of farmers to cope and to still be able to operate their farms over time is a significant problem.

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Crop prices apparently are the worst that they've been in the last 25 years. Corn prices are at the lowest level since 1986. Soybeans are also at a 25-year low in terms of the prices they can obtain. The income of farmers—when I read these notes, I thought, “This is a staggering figure.” Farm income is down 253% this year. I challenge anybody around here to try to survive on a 253% reduction in their income source.

There is a severe shortage of other kinds of resources needed by farmers. We talk about this bill in relation to the equipment that is being sold to farmers that they need to raise their crops and bring those crops to market. But there are also other pieces of the farm and of the rural lifestyle that have been withdrawn, perhaps not in any purposeful way, but the result is the same when it comes to the way it affects the farmers. For example, one of the things that isn't discussed very often but is in fact the case is that there is a severe shortage of veterinarians in rural Ontario. Farmers are often on their own when they need emergency veterinary assistance on their farms, when there is a problem with perhaps a birth or some other kind of incident that has occurred with an injury to an animal.

We see a number of different challenges to farmers and a number of different areas that need to be reviewed and acted upon. When it comes to the hard-working farmers of rural Ontario, when it comes to the people who literally put the food on our table, we need to make sure that as governments we support those people and ensure that they are able to continue to produce and provide that important piece not only of our subsistence but of our economy.

When I was on city council in Hamilton, I was quite shocked to learn the proportion of the local economy that was taken up by the agricultural community. It was something that I had taken for granted for all the years I

lived in that community. As I said, I was quite pleased to have the opportunity to learn more about not only what was being produced in my local area but how that affected the economy of the area I come from. That is of course reflective of the province overall and of what is so important a piece of our economy in terms of overall goods and service production.

I had a chance to go up to the nomination meeting, and we now have a wonderful candidate in the Dufferin–Peel–Wellington–Grey by-election. Our candidate there, Lynda McDougall, is a woman who comes from five generations of farms. She has born-and-bred farm and historical roots in that community. I had the opportunity to speak to her a little bit about what was happening in her community and what she saw as the issues in that riding. I can tell you, as the only one who can speak with authority and with knowledge about what has happened to rural Ontario in that particular by-election in terms of the candidates, she was quite a wealth of information. I look forward to seeing her in this House standing up for the needs of our farmers. She would be, I'm sure, the first to agree with Bill 168.

The bill really states the obvious: that farmers deserve a fair deal, that the laws that exist should be there to protect the farmers and protect them from being ripped off in unregulated situations. The bottom line is that programs have been cut and funding has been cut even for things like drainage systems. The support for those kinds of necessary capital projects were cut. The bottom line is that the farmers were ignored. The initiatives come forward and then people scramble to fix it, but had people been paying attention to and appropriately consulting with farmers all along, these things that throw them for a loop and force them to leave their farms to lobby and do other things that they have no time for—it's really unfortunate.

It is a matter of opening up the dialogue and keeping the communication going, but unfortunately, farmers—you just needed to go to the ROMA conference the other day to see how disappointed rural people are with the commitment of their government to even talk to them about the issues in a way that is productive and in a way that will move their issues forward. We all know, not only from what happened there but from what has happened in this very House in terms of the disappointment there—it has happened with the rural municipalities and the leadership in those municipalities, and it's happening with the farmers as well.

The bottom line, what we need, is a government that's prepared to look at these issues and do the things that are necessary to be done—not for us to have to take the farmers away from their very busy and quite difficult daily lives in keeping their farms going, but to try to get the government to have an ear. The bottom line is it's the government's obligation to make sure that their needs are met.

I see my colleague Gilles Bisson has come back into the House, and I'm not sure whether he's interested in saying a few words. I don't know what your hand signals mean yet, Gilles.

Mr. Gilles Bisson (Timmins–James Bay): Keep going.

Ms. Horwath: I haven't been here long enough to know whether this means, “Keep going,” or “Wrap it up.” Anyway, this means, “Keep going,” so I will.

One of the interesting things when I was having my breakfast this morning—I had an omelette. I was thinking, you know, it's interesting. Every day, I consume some of the produce from the agricultural industries in our province. In fact, the riding that I represent, Hamilton East, has a farmers' market in it at a place called the Centre Mall. The farmers' market there is an excellent little market, because it is a little farmers' market where the wares are all locally produced. So it's not a commercial farmer's market. It is actually a very grassroots farmer's market. When you go there to buy honey or eggs or cheese or meat, you know that it's been raised or produced in a farm somewhere nearby.

You know, I served on city council in Hamilton with somebody who was an active farmer. He was a dairy farmer. I had an opportunity to visit his farm and see the kinds of things that he was having to do as technology changed and as technology was introduced to the farm. It's very interesting to talk to someone like that, to find out how they've had to adapt from the traditional four, five, six generations of farming into the technological advancements that have happened in the farm industry. He said that at first it was very intimidating, but when he figured out how he was going to be benefiting from the changes in technology, he had the opportunity to take advantage of that financially and has done quite well.

I think the bottom line to this bill is that it's a great bill. It's a long-overdue bill. What it does in terms of providing the opportunity for more competition, for more availability of various name brands of products and various types of products in each individual place of commercial farm implement distribution, is allow the farmers more choice. It allows them more opportunity for things like repairs and for upkeep of their equipment. From my perspective, that is something that absolutely, without saying it's necessary, provides great support to farmers and that addresses an issue that they have been very vocal about, and they have been waiting for this change for, unfortunately, several years.

Thank you. I'm pleased to be able to support this bill.

The Deputy Speaker: Further debate? The member for Grey–Bruce.

Mrs. Carol Mitchell (Huron–Bruce): Thank you, Mr. Speaker, and I would like to thank the member from Hamilton East for the support of our rural communities. I know everyone, and the Speaker, in the House knows that I'm from Huron–Bruce.

The Deputy Speaker: I always get the Bruce right, though.

Mrs. Mitchell: Well, that's very good.

How rural my communities are. I know the importance of farm implement dealers in Ontario, and I too support this bill. But I must ask why it has taken so long to get this bill, which will make implement dealers far

more competitive, passed. Why is it that a party which was in power for the last 10 years, the party that talked about competition and the importance of farming in our rural communities, didn't pass the bill? In fact, they did nothing but cut the agriculture budget, cut services that our farmers, our rural communities, have relied on over the years. Not only did that happen, but it jeopardized our food safety, food safety which the people of Ontario have every right to rely on, because they know that our farmers are behind food safety 100%. And they sat on the bill since 2001.

1030

I can tell you that many of the dealers in my riding have been in business for decades and they looked for equipment which would work for the farmers in their area. They looked for certain makes that were priced right and did the job for their customers. With globalization came the big corporations, which decided that the dealer would be tied to those large corporations. It was sell their brand or else. The implement dealers were in a bind, and the small manufacturers needed the dealers who handled short-line equipment. Without dealers, they had no outlets and no places to sell their machinery. Often, these small manufacturers were very innovative. Their ideas came from work in the field. Frequently, they emerged from our rural welding shops, which grew into factories. Without dealers, they could not sell enough equipment to take advantage of economies of scale.

This bill will remove the dealer purity clauses which restrict implement dealers to one distributor, and it will ensure fairness and foster competition. The implement dealer has long been an institution in rural Ontario. It is a place of business, but it's not only a place of business for all of us in rural Ontario; we also know that it's a place to share many ideas. Often the dealers, I can tell you, were pioneers in new techniques. They have been active in farm organizations. They have sponsored teams. They have provided transportation to agricultural events.

The president of the Ontario Retail Farm Equipment Dealers' Association lives in my riding, in Huron county. He and his father before him have been fighting for more than a decade to bring about this change. This bill will allow them and other dealers to do what they do best, and that's sell and service equipment which meets the needs of our farmers.

Our farmers are competing globally. They need competitively priced equipment. This bill will provide our dealers the same protection as dealers in other provinces and all of the American states. This bill will ensure fairness and foster competition. It will encourage innovation. I can tell you that in rural communities, we are the farmers of innovation. We often don't have the same tools as our urban counterparts, but what we do have is a great wealth of creativity. This will benefit rural Ontario in many ways, and I'm very pleased to rise and support this bill and to congratulate the member from Oxford, also from a very rural riding within our province.

The Deputy Speaker: Further debate?

Mr. Toby Barrett (Haldimand-Norfolk-Brant): The member mentioned that similar legislation—

Failure of sound system.

The Deputy Speaker: The member may want to speak up loudly, because there's a problem with the microphone. We'll just continue—there we go. I think maybe it's coming on.

Mr. Barrett: Well, we've resurrected this bill, so I'll resurrect my introduction.

In June 2001, it was introduced as Bill 76; we have the title before us. It did receive support then from farmers and, of course, from farm implement dealers and members in this Legislature. I thank my colleague Ernie Hardeman for resurrecting this particular piece of legislation designed to protect farm implement dealers from certain business practices of the large manufacturers.

Manufacturers have been using these dealer purity policies that prevent dealers from selling other products. Dealer purity or exclusivity is currently being used in dealer contracts by some of the large farm equipment manufacturers in order to force the dealers to sell products exclusive to that manufacturer. This bill would essentially eliminate dealer purity policies and allow dealers more choice. It will allow farmers more choice on the brands of equipment and parts that they can purchase and will help foster competition.

Last night, my office spoke to a dealer in our area. I've indicated that manufacturers have loosened up a bit on this, although the dealer still feels there is a problem there, and there's a problem for the short-line manufacturers as well in this province.

I represent an area that grows tobacco, ginseng, horseradish, peanuts and potatoes. These kinds of specialized crops require specialized machinery. The big manufacturers are not in that market. It's difficult to get that kind of specialized machinery. Therefore, we have short-liners. They can manufacture a limited run of vegetable planters, specialized tillage, the kind of stuff we need for ginseng, potatoes and tobacco. They have been able to offer cheaper product. They've been able to offer alternatives to the more expensive equipment, and they have been in the forefront with respect to innovation and developing new machinery. They have a track record. They led the charge to bring in front-wheel drive, for example, and to bring in the articulated tractors and no-till equipment, the stuff that was not initiated by the very large manufacturers.

We know there are fewer companies; we know that mergers have been continually ongoing. There is more control now in the distribution. We don't have large tractor manufacturers in Canada anymore. We lost International in Hamilton, we lost Cockshutt, White farm machinery in Brantford, and we lost Massey-Ferguson in Brantford. We still have John Deere. It's been a while since I've been in their Grimsby operation; the warehouse is still there. So the way things stand today, the range of machinery being offered for purchase is reduced; competition is reduced. If a farm dealership closes down in many parts of Ontario, it means farmers have to drive perhaps an extra hour or hour and a half to get the parts they need.

This issue of dealer purity policy does threaten the survival not only of dealers but of the short-liners, and rural communities as well. It does not really contribute to spinoff economic activity in the rural ridings and rural areas that many of us represent.

Bill 168 is similar to what we have already in the provinces of Saskatchewan, Manitoba and Prince Edward Island. I think it's in Alberta now; it was awaiting royal assent a year or two ago. Again, as growing numbers of dealers begin to lose their businesses, governments in the United States have found it necessary to introduce legislation. Dealer purity is illegal in the United States.

I do wish to caution the House. We're certainly not going overboard on this one. I wish to quote from a 1969 paper in the *Canadian Journal of Agricultural Economics*. It's an article by W. James White, an economist. He is doing a critique of *The Challenge of Abundance*, the report that came from the Ontario farm income committee at that time. *The Challenge of Abundance* was written in response to the tractor rallies of the day at Queen's Park. The committee made some recommendations on the farm equipment industry, and he criticizes their recommendations. For example, believe it or not, the government of the day proposed that a corporation be established to distribute all farm equipment in the province of Ontario, to have the Ontario government distribute farm equipment in Ontario. It was a corporation called the Ontario Farm Machinery Crown Corp. There's some valuable stuff here. They would allow any dealer to handle any make of machine—that's what we are talking about today—and of course to reduce the cost of machinery. But to have the government distribute farm equipment in the province of Ontario smacks of socialism in my business, and over the years we have come a long way with respect to some of these socialistic recommendations from the Ontario government.

Some people say this issue can be worked out between the manufacturers and the dealers. It's pretty hard to negotiate with some of these large corporations like John Deere. The dealers have found that the Competition Bureau has been ineffective in protecting them. The behaviour has to be repetitive for the bureau to step in. Ontario's franchise legislation, the Arthur Wishart Act, also does not address this issue. So it looks like the responsibility to try and rectify this lies with the members of this House.

1040

Mr. Mario G. Racco (Thornhill): I'm pleased to speak about my colleague Ernie Hardeman's Bill 168. If this bill sounds strikingly familiar, that is because it is. PC Toby Barrett's private member's bill, Bill 76, *Farm Implements Amendment Act, 2001*, was introduced on June 6, 2001. It was carried over to the spring 2002 session as the *Farm Implements Amendment Act, 2002*, and was never passed. The Conservatives like to masquerade as friends of Ontario farmers, yet they let this bill sit on the order paper and eventually die after two years of inaction.

The amendments proposed in Bill 168 are more specific in nature than those proposed by OMAF. How-

ever, it is OMAF's position that these specifics would more appropriately be dealt with in regulation following further consultation with the industry.

Our Conservative predecessors sat on this legislation, and although we could commend their initiative, the fact remains that during the last five years that they were in government, Ontario lost 1,000 farmers per year. The Conservatives slashed \$80 million from agriculture, \$23 million was cut from policy and farm finance, \$10.3 million was cut from education, research and labs, and \$11.4 million was cut from food industry development. They sat on this just like they sat on that negative meat inspection memo for a year and a half and cut the number of provincial inspectors in plants down from 130 in 1993 to only 80. The Liberal Party of Ontario does not sit on those pertinent issues. We have since hired the necessary full-time meat inspectors needed to ensure the safety of our constituents. We will not sit back and jeopardize their safety like the Conservatives did.

Minister Peters has consistently and relentlessly supported Ontario's farmers. Just a few examples include:

Fulfilling Justice R. Haines's first recommendation through proclaiming the Food Safety and Quality Act, and promulgating a new, stronger meat regulation under the act took another step toward protecting Ontarians' health.

To ensure the financial health of our agricultural industry, we hammered out a better deal on the agricultural policy framework with the federal government.

To ensure that Ontario's food remains safe, we asked a prominent judge to conduct an inquiry into problems with food safety.

To help the province's farmers with the mad cow crisis and to adjust to a new generation of farm safety nets, we are spending \$74 million to provide stability for our farmers.

We have committed to providing as much as \$138.5 million in BSE relief funding and \$20 million in nutrient management assistance.

The government of Ontario will invest \$1 million toward the creation of an integrated anaerobic digestion facility that will convert the biogas from manure into heat and electricity.

To protect Ontario's dairy farmers from edible oil products, we passed the *Edible Oil Products Repeal Date Amendment Act*.

To help Ontario's apple growers better compete in the global market, we have established the Ontario Apple Growers Marketing Board. Brian Gilroy, the chair of the Ontario apple growers' steering committee, welcomes the government's announcement.

Our Liberal government is protecting the viability of family farming in the province by exempting the land transfer tax on farmland.

To enhance the safety of foods produced and processed in Ontario, we are investing in research projects designed to do just that.

To help Ontario's livestock industry deal with the effects of BSE, we are investing and increasing abattoir capacity for older animals.

We are doing many things—

The Deputy Speaker: I remind the member that we're discussing Bill 168, which is the farm implement bill. We should stick to that subject, if we can.

Mr. Racco: In closing, this act will ensure fairness, foster competition and consumer choice. Furthermore, it will encourage innovation in the farm implement sector and will give dealerships the ability to sell products from multiple manufacturers, specialized equipment distributors and to carry equipment manufactured locally.

Ms. Laurie Scott (Haliburton–Victoria–Brock): It's a pleasure to rise here today. As the member from Haldimand–Norfolk–Brant has said, doing the right thing takes a little while. The bill was introduced by that member in 2001. I've been told there have been two main ways for a private member's bill to succeed. One is through the legislative process to become law. That does happen some of the time.

I commend the member for Oxford for reintroducing this bill today because important matters are raised in his private member's bill. I'm happy to hear the members opposite speaking in support of this bill, especially the member from Hamilton East, whose riding is not rural but who understands the rural concepts and the challenges we're facing and the need for this bill to go through.

The Farm Implements Amendment Act, 2001, succeeded by having the government include these changes in the Rural Red Tape Reduction Act, 2002. The member from Oxford again was instrumental in bringing that forward. Unfortunately it didn't come into law, and the government has changed.

I was pleased to hear the present government members speak in favour of that. I think that maybe they were involved in some holdups of its passage before. But the government has not seen fit to address the farmers and the farm implement dealers by bringing this forward. We had hoped that Minister Peters would have introduced this earlier. He has not, and I want to give you a quote from Minister Peters that he made on June 21, 2001. He said during the debate, "I think it is a good initiative, and it's one I've recommended to our party that we support today." I'm hoping he's going to live by this, as he is the Minister of Agriculture and Food, and put this legislation into law.

We on this side of the House, the PC caucus, understand the importance of passing this bill and it's much needed. When the Farm Implements Amendment Act was being brought forward, I let a lot of businesses in the area know and the responses that have come back were that it's what the dealers and manufacturers have been waiting for—finally.

I think the member from Hamilton East touched on the point that we need to keep small businesses in operation. It's important that we have competition.

Mr. Jeff Leal (Peterborough): Callaghan Farm Supply in Lindsay.

Ms. Scott: Sorry, member for Peterborough?

Mr. Leal: Callaghan Farm Supply in Lindsay.

Ms. Scott: I did get that from Tom Callaghan and Callaghan farm machinery in Lindsay saying, "Finally, it's good."

Mr. Leal: Good people.

Ms. Scott: They are good people. We have a lot of good dealerships all through my riding, which is a very large riding, Haliburton–Victoria–Brock. Agriculture is very important there. I'm glad the member from Peterborough acknowledges that. I'm sure we'll have his support on this bill to make it law.

I have to move forward because we have a lot of members from our caucus who are here in support of it. I encourage everyone here today to support the bill. The member from Renfrew–Nipissing–Pembroke is a little anxious and wants to speak to it, so thank you, Mr. Speaker.

Mr. John Wilkinson (Perth–Middlesex): I have but one question: Why are we debating this bill today? It's because this bill has been before the House and the previous government, in its wisdom, decided not to support their own member, the member from Haldimand–Norfolk–Brant, when he put this in. I know enough about this place to know that if the previous government supported this bill, it would be law. My God, the current Minister of Agriculture, Steve Peters, supported the bill, so I'm sure there was no problem with the opposition. I'm sure that the member from Hamilton East, who showed us today that she has an interest, let's say, in rural affairs—perhaps not a grasp of the issues of rural Ontario, but she does have an interest and we appreciate that.

I ask the question, why is this not the law today? Because the previous government, while they talked about rural Ontario and they talked about supporting the farmers, actually didn't get around to the business of doing something that we all agreed to.

1050

It must be difficult, I'm sure, for my colleague from Oxford, the former Minister of Agriculture and Food, that this matter has come back yet again to this House. So I say, just so that we're consistent, our members here are fully in support of the retread of this bill that came from the previous government that just did not have, obviously, the support of the members of the PC caucus, when they formed the government, to move this bill forward. I know that the Minister of Agriculture and Food has told me personally how he supports this bill.

Despite the frustration that I'm sure they're feeling by having to bring this up—really, it has to be galling that they have to do this—we are looking forward to supporting this bill. Our farmers want it. The implement dealers want it. On behalf of all of us in our caucus, rural caucus, I agree with the member from Huron–Bruce that this is a great bill. It will be interesting to see that this bill actually sees the light of day, particularly with the support of our Minister of Agriculture and Food.

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join in the debate today and to support the

member from Oxford and his private member's bill, Bill 168, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector.

This bill really is about increasing competition for farm dealers. There are these agreements between the distributor and the dealer that restrict the ability of the dealer to sell other lines of implements. This bill would allow a dealer—for example, a John Deere or a Case or a Ford New Holland dealer—to also sell implements that may be made locally, just down the road, for example. This will be a positive for rural Ontario. It will increase competition. It will allow products that may be less expensive and of better quality to be available to farmers. It will also support the local manufacturers in Ontario. That's a good thing.

I'm very pleased that the member from Oxford is standing up for rural Ontario in bringing this bill forward. I note that the member from Haldimand–Norfolk–Brant has brought this bill forward previously, I believe it was in 2001. Surely, it's important for the rural PC members to bring this forward, because we see that the government and the Minister of Agriculture is neglecting rural Ontario. They haven't given any of the gas tax to the small communities across rural Ontario. We see the farmers having to go to such extreme measures as blocking the 401 and coming here to the Legislature on March 2 and March 9 to protest the actions of the government. So it's good to see that a rural PC member is sticking up for rural Ontario.

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): Right out of the farm gate, I'd like to say that I support this bill. Certainly, during the campaign and later, I myself was approached by a person who was then the president of ORFEDA, which is the Ontario Retail Farm Equipment Dealers' Association, about this very matter. He told me about the fact that this had been before the House and somehow had not moved through, had never really been finalized or passed into law. In my mind, I wonder if maybe with this bill there is a bit of political plowing going on here. But I know that the member from Oxford has the interests of farmers at heart, so I would never accuse him of any such thing.

I want to tell you about our own situation on the farm and what happened to us. A few years ago, René and I needed to buy a tractor. We had to make a decision: It was either going to be the John Deere tractor dealership, which was further afield, or our own local dealer. We decided to go with our own local dealer because it meant that we would have him very close by. If René needed to go in for repairs, he could drive the tractor there. He could pick up the parts in and out of town, and it was going to be very convenient for us to do business there. We certainly wanted to support our own local business, and so we did. We purchased the tractor there. But what happened was, within about a year and a half, there was suddenly this enforcement of the dealer purity clause, and our local dealer had to close their tractor line. They went to a short line of small equipment, but we were no longer

able to go there and we had to go quite a bit farther to get the parts.

So what that meant was that René stopped taking the tractor to the dealer and having them do the work. The mechanic lost the work. René would simply go—and still does—and get the parts and do his own repairs. That's had a very real impact on our community. When he does need to take it in for repairs because he can't manage it himself, he has to ask the dealer to bring out the float. They draw it back to the dealership, they do the repairs, they float it back, and it all takes extra time. More importantly, it means that in my community we lost a viable business. That business continues to struggle.

So for us as farmers, dealer purity has been a real problem, and we really want to see this issue solved, so I certainly support the member's bill. In terms of farmers—and I heard talk about supporting farmers—make sure you buy Ontario first. That's how you can support our farmers.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I'm pleased to stand in support of my colleague from Oxford this morning, speaking on Bill 168. Again, I congratulate the member from Haldimand–Norfolk–Brant for introducing this bill back in 2001.

This bill reflects the changing times that we have in commerce across the province of Ontario, and indeed across the world. I grew up in the hardware business. We owned a hardware store. The hardware store of 2001, when my wife and I sold the store, didn't much resemble the hardware store of 1950. So many businesses reflect those changes.

At one time, if you wanted to buy an extension cord or a rake or a shovel, or you wanted to buy some bolts, the only place you could go was the hardware store. But as times changed, some of those products became available at your local supermarket, they became available at your local pharmacy, because the consumer wants availability of products in as many different locations as possible. We live very busy lives, and the consumer wants that availability. They don't want to be restricted to having to go to one particular location to get one particular product.

This bill is saying that farmers should be afforded the same kind of service. They should be able to get the equipment they need from more than one source in their particular area. I congratulate the member for bringing this forward to the House. You see, farming doesn't involve as many people as it used to years ago, either. Can a dealership survive today if it is restricted to selling the products of one particular manufacturer or if it has to have a dealership agreement with only one particular manufacturer?

I think it's very important for the sake of our farmers—who are suffering badly these days, and much of that because of the neglect of this particular government—that they be afforded that choice, to have the availability of those implements in this day and age. This bill will give the farmers that choice. As we all know, it's about time in the province of Ontario, because since October 2003, they haven't been given much. We're trying to give them something here, and we hope that in

other key agricultural issues, this government does start to see what kind of plight farmers are suffering in this province and starts to address those problems as well.

The Deputy Speaker: Mr. Hardeman, you have two minutes to reply.

Mr. Hardeman: I want to thank all the members who spoke: Renfrew–Nipissing–Pembroke, Parry Sound–Muskoka, Lambton–Kent–Middlesex, Hamilton East—the urban member speaking—Huron–Bruce, Haldimand–Norfolk–Brant, Thornhill, Haliburton–Victoria–Brock and Perth–Middlesex. I thank them for their kind comments. As I started, I made the assumption that I would hear no one speaking in opposition to this bill because it is such a necessary and useful piece of legislation for our rural community.

The other thing that I mentioned in my opening remarks, and I just want to quickly comment on it, was that the problem we have in rural and agricultural Ontario is that we don't seem to be able to get the message out to the urban majority of our population on the importance of agriculture and the challenge they are facing. I said that it was our job as the rural members to convince the urban people to understand the problem. If they understood the problem, then they would support the solutions that are required.

I think the member from Hamilton East did a wonderful job of proving me right once again. When she looked at the bill and the explanation of it and understood the implications of not having this piece of legislation, she stood up very appropriately, spoke to it and then supported the bill because it would help not only farmers, but if it helps farmers and food production in Ontario, it indeed will help the province of Ontario. I want to thank her for that.

1100

I also want to say that there was a considerable debate about the length of time it took to bring this forward. I think it's somewhat indicative of the problem we have in this Legislature: Even though everyone agrees, it just doesn't seem to be able to get done in an expeditious manner. So I put that to you, Mr. Speaker. Maybe you could look at some way to make sure that when something is supported by everyone in this place, it could, in fact, become the law of the province in an expeditious manner.

I am very thankful, with the discussion this morning, that we look forward to a positive vote for this and that it can be called for third reading and brought into law in the province. Thank you very much.

JAY LAWRENCE AND BART MACKEY
MEMORIAL ACT (HIGHWAY TRAFFIC
AMENDMENT), 2005

LOI DE 2005 COMMÉMORANT
JAY LAWRENCE ET BART MACKEY
(MODIFICATION DU CODE DE LA ROUTE)

Mr. Rinaldi moved second reading of the following bill:

Bill 153, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act / Projet de loi 153, Loi modifiant le Code de la route à la mémoire de Jay Lawrence et Bart Mackey.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Rinaldi, you have 10 minutes to lead off.

Mr. Lou Rinaldi (Northumberland): The common phrase by all members when we stand in this House is that we normally say it's a pleasure to stand here today and speak about something. Indeed, it is a pleasure, but under these circumstances, I'm having difficulty saying it's a pleasure.

Having said that, Bill 153 is legislation that's long overdue in this province. Before I get there, I would like to recognize one of the families that was impacted by what we're trying to correct, the Lawrence family, that is here with us today. Unfortunately, the Mackey family could not join us. Mr. and Mrs. Lawrence are here in the members' gallery, and I certainly appreciate their being here today. They're here because they believe we're missing some laws in the province of Ontario for the betterment of the health and safety of all.

Before I talk about the bill, I'd also like to acknowledge my assistant Travis Hoover for the work he put toward this, my EA Elaine Palmateer and, of course, legislative counsel that was there to help us.

This bill is not new to this House. It was first introduced by Mr. Doug Galt, a former member of the now opposition. I think we heard from the previous speaker that sometimes, even though we all agree, things don't get done in an expeditious manner. I want to thank Doug for initiating this. But, of course, it got lost.

This started during the election campaign over a year ago, when I had the good fortune of meeting some of these folks. They said, "You know, if you do get elected"—I got a sense of what had happened, and I knew what had happened. They don't live very far from where I live in the riding. So I guess I'm delighted to resurrect that today and move it forward.

I want to talk about a little background on why we're here. Early in the morning of July 30, 2000, Jay Lawrence and Bart Mackey headed home, riding in the back of a pickup truck, after spending the evening with a group of close friends. The truck that the young men were riding in was involved in an automobile accident, which resulted in these two young men being thrown from the box of the truck and killed instantly.

There cannot be a worse experience in the world for a parent than having a police officer knock on the door in the middle of the night. We can only imagine the heartache the family, the friends and the community have suffered with the loss of two remarkable young men. The hopes and dreams and bright future of Jay and Bart were taken away in an instant, but this could have been prevented.

To remind us again, on August 24, 2004, in Manitoba, two 20-year-olds were killed while riding in the back of a pickup truck. It just seems too similar. A 20-year-old

man and a 20-year-old woman from Opaskwayak Cree Nation were riding in the back of a truck with 16 other people. Those 16 other folks also got hurt.

It's hard to believe that we have laws in this country, in this province, that if we put a dog in the back of a truck, he's got to be tied down. He actually has to be tied down; he cannot be loose. Yet we allow people—adults, kids—to ride in the back of pickup trucks with no restraint, and it's legal. It's hard to believe.

Going back to the year 2000, the Canadian Public Health Association passed a resolution calling on all Canadian jurisdictions to take action to make it illegal for passengers to ride in the back of pickup trucks. The reason they did that is because they know that injuries happen, deaths happen, when we allow that.

I'm just going to read an excerpt from the resolution they passed, to give you some sense of the scope and magnitude of what we can prevent: "Whereas the head is the most frequently injured body region following a fall or ejection from the back of a pickup truck, and the direct average cost of care during the first year following severe brain injury can be as high as \$300,000, with a lifetime care cost ranging from \$2.5 million to \$5.5 million"—that's just from an injury. That's not a death; it's an injury.

It seems that some provinces in Canada get it. I guess we in Ontario don't get it. British Columbia, New Brunswick, Northwest Territories, Nova Scotia, Quebec and Alberta have legislation of some sort to regulate riding in the back of pickup trucks. Ontario, Prince Edward Island, Saskatchewan, Manitoba, Yukon, Newfoundland and Nunavut, I guess, just don't get it, and we need to step up to the plate.

This is not just a novelty in Ontario, in Canada. Some staggering numbers, for the record: A Washington state study found the fatality risk is 10.4 times higher for persons riding in the cargo area than the risk to the general population involved in collisions. So it increases tenfold. How simple. Over 200 deaths per year occur to persons riding in the back of pickup trucks, in cargo beds. More than half of those are children or teenagers.

Let's assume we don't change the law. Let me tell you that people riding in the back of a pickup truck, even with no accident happening, especially in trucks that have a covered area in the back, will be exposed to dangerous carbon monoxide poisoning from exhaust fumes, and we just seem to take that for granted.

It became very important to me to move forward, as I said before, bringing back this bill from a previous member of this Legislature. I'm here today—before I get there, we do have support from the Ontario Association of Chiefs of Police. They want to see this move forward, because it's going to make their life easier. Along with the Police Association of Ontario, which is very supportive—not that they only want to control accidents, personal injury or even deaths. I had a conversation with one of these folks, and one of their hardest tasks is to go to a parent's door, a relative's door or a friend's door in

the middle of the night, or any time of day, and bring that horrible news. That, to them, is a tough task.

1110

So in closing my time, what I must tell you is that this is almost too simple. We sometimes fight to understand things. We as legislators in this province and in this country get criticized a number of times—from my constituents, and I'm sure all of your constituents—that legislators put too many laws in place, we over-regulate things, we get in their faces. Yet we totally ignore something as simple as what I'm bringing forth today in this bill. In the last few seconds that I have, I think maybe that as legislators we should stop worrying about those grandiose things and start dealing with some of the realities of life that are simple to achieve, to protect the lives of folks in the province of Ontario. So I urge all sides of the House to help me and help those families reach their goal, because they really want to put this to bed and they're here today because they don't want to see another parent suffer what they suffered some four or five years ago. I urge the House to support this bill and to move it along. Thank you.

The Deputy Speaker: Further debate?

Mr. Ernie Hardeman (Oxford): I rise in support of Bill 153, which is a bill dealing with the issue of carrying passengers in the back of commercial vehicles. Yes, I will again be voting in favour of this bill during second reading debate, although I strongly believe that the bill should go to committee and strongly urge and respectfully ask that this bill be sent to committee hearings for some fine-tuning. There are several concerns I have with the bill and I look forward to speaking to and addressing these with Mr. Rinaldi, the member from Northumberland, prior to third reading.

As I said, I will again be voting in favour of this bill, and please allow me to explain. On May 2, 2001, my esteemed former colleague Dr. Doug Galt, the former member from Northumberland, introduced this bill, which was then Bill 33, under the same title. I supported the bill then and I support it today. The most significant difference between that bill and this one is the lack of additional protection for agricultural, farming and parade-type vehicles. I would hope that these necessary and important protections for our farmers would be amended into the bill prior to third reading.

This bill is similar to the previous one in that it is trying to change the behaviour and action of people and how they deal with vehicles and ride on them. During the second reading of his bill, Dr. Galt read a letter from a girlfriend of one of the young men killed on that tragic day in 2000. I think it's appropriate to read that letter again into the record:

"On July 30, 2000, my world came crashing down when my boyfriend Jason Lawrence was instantly killed when he was ejected from the back of a pickup truck. Jason and I lived an incredible life together and had planned every minute of our future together. Little did I know on July 29, as I sat waiting for him to get home, he would never return. The accident also involved two other

friends riding in the back of the truck, Bartley Mackey, who was also killed instantly, and Robert Toddish, who suffered serious head injuries.

"I did not share this story with my class or write this letter for sympathy, but simply because I feel this issue needs to be addressed immediately. After receiving the only perfect mark in my class for my presentation, and noticing the level of interest I obtained after I concluded my speech, I found comfort in believing I had changed the beliefs of so many impressionable people. Simply because I find it so hard to justify why it is illegal to ride in a closed vehicle without restraint, but it is legal to ride in an open vehicle without any restraint. I cannot think of a single logical reason why this has never become a law.

"I am hoping that this letter may make even a few people sit back and realize that something needs to be done to prevent anything similar to this from happening in the future. I have witnessed the horrible grief that has surrounded all the friends and family of these young men. A law surrounding riding in the back of a truck can prevent accidents like this in the future, and the pain and grief that follow tragedies. In conclusion, please take my words seriously and make it illegal to ride in the back of a truck. This law will make anyone who chooses to ride in the back of a truck to think twice about their decisions, because laws are made for reasons. I truly believe that my story is reason enough." It's signed by Jennifer Shepherd.

How many times have we seen our children, teenagers, and others just like them in a similar circumstance, overcrowded and riding in the back of a half-ton truck? This is particularly true, Mr. Speaker, in rural Ontario. Certainly this legislation can prevent similar deaths by changing that kind of behaviour.

We are not the first in Canada to put forward a law to prevent people from riding on the outside of vehicles. This is in place in several other jurisdictions across Canada. A simple change to our transportation act would accommodate and prevent people from riding on the outside of a commercial vehicle. In general, it prohibits anyone from riding in the cargo bed of a commercial truck.

The reason I'm urging that this bill go to committee is to ensure that motorcycles and fire trucks would be exempt. I would also ask for exemptions for people engaged in agricultural work, horticultural work, road construction and municipal work. We should also be looking at parade vehicles. Certainly that is a very different kind of atmosphere and speed. I suggest that these concerns could probably be dealt with at committee.

The other provinces with similar bills specifically deal with some of the special circumstances I just mentioned. For example, Alberta has an exclusion that says, "Vehicles forming part of an entertainment exhibition that has been approved by the council of the municipality in which it is taking place" are exempt. The province of New Brunswick has a similar specific exclusion. These types of exclusions should be in this bill, and that's an issue that could be dealt with at committee at a future

date. New Brunswick also has a provision that goes into a little bit more of an elaboration with respect to construction: "A motor vehicle engaged in highway construction or maintenance." New Brunswick also offers exemptions where passengers are being transported to and from a work site. There may be other items, exclusions that need to be discussed when this bill is in committee.

In conclusion, I believe this is indeed good legislation, and it's certainly emotional legislation, particularly after reading this young lady's letter. It's been said that of all the duties of government, the most important responsibility is to keep its citizens safe. Motor vehicle accidents are the leading cause of death among young people, and with some of the aggressive driving we're seeing today, I don't think there's any question that it's increasing. Anything that we can do about aggressive driving would certainly help.

There's a significant amount of research that would support this bill. People are 25 times more likely to be ejected from the cargo area of a vehicle than they would be if they were in the cab. We certainly have many other jurisdictions which have passed similar legislation. It is really an important step in the continuation of making sure that our roads are the safest in the country.

There are some issues with regard to agricultural exemptions and speed limits, as I've mentioned, and things like that, but I think those are issues that certainly can be dealt with before it goes to third reading. Farmers will need to be assured that this bill will not disrupt normal farming operations, especially at a crucial time in our farming communities such as we're having today.

I rise in support of this bill and of sending the bill to committee, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act. I thank the member for Northumberland for bringing this forward again. This goes to the same problem as we spoke to on the earlier bill: It has been introduced, it is a good bill, everybody supports the bill, and here we are doing it all over again. I would hope, and I would ask you, Mr. Speaker, to expedite the process to make sure that it comes back and becomes the law of the province of Ontario.

Thank you very much for allowing me to speak to it.

Mr. Gilles Bisson (Timmins-James Bay): I just want at the outset to say we will support this bill at second reading. However, I do think it needs to get into committee.

Just taking a quick look at the bill, it would appear to me that some amendments need to be done to it. Specifically, in section 1 of the bill, adding 188.1(1), we're really dealing with commercial motor vehicles. I guess the question we have to ask ourselves in committee is, should a bill like this extend to all vehicles, or just commercial vehicles? I get an indication from the drafter of the bill that in fact he thinks this needs to be amended as well.

1120

I think, as well, we need to have a bit of a discussion about some of the language of the bill. Again, I think this

is something that could be fixed without too much difficulty in committee. I'll just read here, Speaker, because I've been dealing with legislation for some 16 or 17 years now, and it always amazes me how legislative counsel can draft something to make it as ambiguous as possible so that when we do end up in court, we've got to pay lawyers a big amount of money to figure out what they were really getting at in the first place. I think it's incumbent upon us as legislators to be pretty darn clear in what we want. I don't blame the member, because all of us send our stuff off to leg. counsel. I'll just read this, and you'll know what I'm getting at.

The section says, "No person shall drive a commercial motor vehicle on a highway while any person occupies the truck or delivery body of the vehicle...." We understand; that's pretty clear. The first amendment might be, do we want to take "commercial" out and say "all trucks," all of these types of vehicles? That would be the first thing, and that would be pretty clear. But then it gets into the second part, which I find to be a bit of mumbo-jumbo. Please bear with me. It says, "...except if the vehicle is being driven at less than 25 kilometres per hour...." I understand what we're getting at here. That's talking about, for example, a situation where you're at the cottage and you're moving a shed that you've got in the back of your truck and somebody has to hang on to it; that you're going to move it from yard A to yard B or you're going to the dump and you're going to be driving really slow. We understand what we're getting at; that's the intent here.

Now it gets into the second part, which I think gets a little bit more convoluted: "...that is not designated as a controlled-access highway under the Public Transportation and Highway Improvement Act." Well, that could mean a whole bunch of things to different people. Does it mean all highways patrolled by the Ontario Provincial Police, any highway under the Highway Traffic Act? Does that give some kind of exemption where you can do this? I think we've got to be really clear about what we're talking about.

I support where the member's going. I wholeheartedly understand what he's trying to do here. I see the parents here who have suffered this loss, and there are many others across this province and this country who have had to suffer your loss. We extend our—I don't know what to tell you. I am a parent. We have two kids. I don't even know where to start. I hope I never have to live that. Anyway, we'll leave that there.

In the second part of the bill, we get into talking about how we limit people in vehicles while they're being towed. Now, I understand this. This is pretty logical stuff. It's where there's a car breakdown or an accident and the owner of the vehicle wants to get into the back of the car or truck while it's being towed by the tow truck back to wherever it's going. I've seen that. My nephew was a tow truck driver, and he'd tell me some of these stories. He'd almost have to get into arguments with people, saying, "You can't get in the back. You sit in the tow truck with me." If something happens, if there's an

accident to the tow truck, you're in a heck of a lot better position of being hurt in the vehicle behind than if you were in a belted seat in the tow truck itself. So I understand where the member's going with this.

But under subsection (2) it says, "No person shall occupy the truck or delivery body of a commercial motor vehicle while the vehicle is being" towed "except if the motor vehicle is being driven at less than 25 kilometres per hour on a highway that is not designated as a controlled-access highway...."

I think we need to have a bit of a discussion about where we're going with this. I think you're trying to say that there are times when people need to do these things and we want to allow that to happen. We don't want to cover off, for example, bush roads where people are going hunting and you set something up in the back of a truck as a spotter. People do those kinds of things. I take it that's what you're trying to get at. In committee, we're able to deal with those issues, and I don't have any problem.

However, I want to speak to a larger issue. This might be seen as being unsupportive, but I don't want you to take it this way, please, especially the parents. We have a tendency in our Legislature and in Legislatures across this country and in other places of the world that whenever there's a problem, we try to bring a law to try to fix it. I understand our response in doing that. However, I ask myself the question, if this law was there, would this accident have happened anyway? It's not nice to say, but who knows? It could have happened. We all do silly things at times. I've survived many of them, and I think a lot of us have survived some pretty stupid things we've done in our lives. It really comes down to a couple of things. We do the best we can as parents to teach our kids the right thing, and I'm sure that's what you, the parents who are here today, did in your case. But we have no control, once the children walk outside the door, over what they're going to do.

For example, a couple of weeks ago, our youngest daughter, who's here in Toronto, called at 11 o'clock at night and said, "Dad, it's spring break." It's her last year in university. She wants to come home. She's fed up with the big city. She and her boyfriend are going to pack up the car and drive up to Timmins. I worried. I stayed up all bloody night. My kid was on the highway and it was snowing. She's 22 years old, with her boyfriend. I didn't sleep all bloody night. I stayed up until 5 in the morning or whenever it was that she came in, after my saying, "Are you nuts? Wait until daytime. Don't drive at night. What are you doing?" Well, she does what she does. She's 22 years old and he's 25. What am I to do? You say to yourself, "We can't legislate that kind of behaviour."

I'm just trying to say that we can try to legislate this, but we need to be clear that people are still going to do some things that they shouldn't, because they're human beings.

The other issue is that if this law has any chance of having any force, you have to have a way of being able to

police it. That's something you've heard me harp on many times in this Legislature. People don't break laws if they fear being caught. How many people are going to get caught if we don't have the proper number of police in our communities or on the highways to police a law like this?

Now, there's a balance of how many police you need. I was in Tokyo this year and went through the most secure airport I've ever seen in my life. There were police officers every five feet almost. I thought, "Whoa, that's kind of overdoing it." That looked kind of weird to me. I'm a bit of a New Democrat socialist, but I'm also a libertarian when it comes to individual rights. It's kind of a weird way of looking at things, but that's the way I am. I guess that's the way most of us are. It's not a political affiliation thing. We really enjoy our freedoms and feel very uncomfortable when freedoms are challenged.

The point I'm getting at is this: If this law has any chance of being enforced and hopefully saving some lives, at the end of the day, it's going to have to be policed in such a way that people feel they may get caught. If they feel that way, they're less likely to go out and do it. So if I, as a parent, have not been able to get through the skull, if you know what I mean, of my 22-year-old daughter, who went out on the highway at 11 o'clock at night—I hope she's watching this, because yes, I didn't sleep, Nathalie—then there is some other mechanism, once they walk out the door, to make them think twice, to say, "Not only did my parents try to teach me some good things about taking responsibility, but there is also the issue that we might get caught."

You will have to pardon me. I'm going to digress. It's the Highway Traffic Act, so I'm allowed to deal with this. I want to reflect on something else altogether that is not related to this particular bill specifically, that is, the issue of traffic. I just put this out there for people to think about, and I'm not suggesting we go there. I look at traffic flow in a city like Toronto or Windsor or Timmins or wherever it is. In our system of the way we devise traffic, we are always making laws to try to control traffic, to control how fast people drive and to control how safe they are in their driving habits, and putting up stop signs and red lights and yields, all kinds of rules about how you can drive. We send our kids off to school to learn all the rules so they learn how to drive according to the rules in the Highway Traffic Act. Yet we still have tons of accidents. The congestion on our roads is, quite frankly, pretty bundled up. If you take a look at Toronto, this light is red so everything is stopped. The next one is green. Traffic flow is really quite congested and bad.

I was in Vietnam in January. This is the nuttiest place I've ever seen to drive. But there ain't a stop sign, there ain't a red light, and the Highway Traffic Act only says one thing: You drive in the middle of the road in both directions. It sounds nuts, right? There are fewer accidents. The traffic moves. It's an interesting comparison. I guess all I'm saying is that at some point we need to think about how many rules of the road we need versus safety versus getting the traffic moved.

I've been in different parts of the world. How many people here have been to Rome? Right? It's the same idea. The traffic just moves at all speed in Rome and nobody pays attention to the rules.

Mr. Rinaldi: They have a lot of horns, though.

Mr. Bisson: Listen, there are lots of horns in Vietnam. I swear to God that everybody at birth has their thumb attached to the button on their mopeds and the horns of their cars, because I'll tell you, all they do is blown their horn. But my point is that people watch out for themselves far more in those environments than we do in ours. For example, the pedestrian who crosses the street in Hanoi or Saigon, where traffic is just horrendous and it's going every which way, with motorcycles, trucks and all kinds of rickshaws—you name it. It's just total mayhem when you look at it. But people watch out for each other. The pedestrian doesn't walk out on to the road and expect that the red light coming the other way is going to protect them. The pedestrian looks both ways and says, "I'm not going to trust that a red light or a stop sign is enough to save my life. I will look." A person looks and works their way across the traffic.

1130

I had an opportunity to meet with some of the members of the national government when I was in Hué, the old capital, and I asked them, "What stats do you have around fatalities and accidents?" They provided me with some stats a couple of days later. I was surprised. For a country of 80 million people and with the number of vehicles they have registered in that country, there are far fewer accidents by ratio than we have in Canada. I thought, isn't that interesting? The point is that we need to take some internal responsibility.

You know what? Oh, I should keep on going? I just realized the time. I hogged all the time from my friend the member from Hamilton East. Will you forgive me? It's just terrible that I did that. Do you want any time?

Ms. Andrea Horwath (Hamilton East): That's OK.

Mr. Bisson: Sorry about that.

I would just say that we can try to legislate this stuff as much as we want, but at the end of the day, we, as pedestrians and as drivers and as passengers, need to take some responsibility ourselves.

I just come back to that experience of Rome or Vietnam or wherever it might be, where people take the time when they walk out on to the street to look both ways. Drivers are looking for those kinds of things.

The interesting thing in Vietnam—I asked, "Who gets charged when there's an accident?" He said, "Always the biggest vehicle." Really, when you think about it, it's the one that does the most damage. I started having some chats with some people about that, and they said that the bigger your vehicle, the larger your responsibility to make sure you watch what's going on, because you have more potential of doing more damage. I thought it was kind of an interesting thing.

I just say to my friend who has put forward this bill that we will support it. There are a couple of things we need to do in committee to make sure we clarify. But at

one point, I think it would be interesting as a Legislature to refer the Highway Traffic Act and all those rules back to a standing committee, or even if we don't refer it to a standing committee just have a standing committee take a look at this whole issue, because it seems to me that we keep on making rules and we keep on having fatalities, and I sometimes wonder how effective we are.

For example, the government has amendments to the Highway Traffic Act that I was reading through this morning in preparation for the debate that I imagine we're going to have next week or the week after on the amendments the minister has made to everything from speed limits to you name it. I look at it, and what you've basically got is a whole bunch of fee increases. I just say to myself, the fees are hefty enough as it is, and if people aren't afraid of being caught at these fees, I don't think they're going to be any more afraid of being caught with higher fees.

With that, I just want to say to the member that we will support it.

I've got a minute and 30 seconds left, but I have nothing else to say, so that's it.

Mr. Jeff Leal (Peterborough): I appreciate the opportunity to speak on Bill 153, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act. I've had some chats on this issue with my good friend the member for Northumberland. I want to say that the member from Northumberland follows in a long tradition of exceptional members who have come to this House to represent their riding. I think of Doug Galt, Joan Fawcett, Howard Sheppard, and a former Speaker of this House, the Honourable Russell Rowe, who was very distinguished—as you are, Mr. Speaker—in that chair. He had about a four-year reign as Speaker of this House and is recognized as one of the great Speakers in this area.

I think this is an important piece of legislation. Personally, about three years ago, I had the opportunity to buy my first pickup truck. I have two young children. I have a son, Braden, who's six, and my daughter, Shanae, is five. The member from Oxford kids me about my truck. It's parked out front; it's the one that has the grey duct tape holding in the headlight. I hope to get that fixed soon. But the serious side of this is that both of my children play hockey. The Evinrude Centre in Peterborough is about five minutes away from my home. When I'm taking my kids, I put either my daughter or my son in the front seat, and we load the hockey equipment in the back. Each of them has always asked me, "Dad, can we ride in the back?" It's only five minutes away and there's a sense that that might indeed be a safe thing to do. But I certainly indicate to them that they have to go with my wife, Karan, and ride in the car, where they can be safely buckled into the back seat.

I think this legislation certainly needs to go forward. I'll just quote a few statistics here. It indicates that "Over 200 deaths per year occur to persons riding in" the back of pickup cargo trucks. "More than half the deaths are children and teenagers. In addition, children riding in

covered cargo beds are exposed to the danger of carbon monoxide poisoning from exhaust fumes.

Parents with pickup trucks should only allow their children to ride with them if the children can be firmly secured with safety belts inside the cab of the truck."

There's an interesting article here, Mr. Speaker, that I'll share with you. It comes from Tom Grace, who is a reporter with the Cooperstown News Bureau, a community in the United States. It says:

"Hartwick—Hartwick Town Justice Orrin Higgins is trying to change a state law that allows children to ride in the back of pickup trucks.

"It's dangerous and you see it all the time," said Higgins. "Kids ride in the back, and all it takes is a bump or accident and they're spilled out on to the road, usually on their heads."

In his particular community, "State law regulates who can ride in the back of a truck only when the trip is more than five miles long. For such trips, the driver or owner must assure that the truck has a tailgate and side racks at least three feet off the truck bed, or no more than a third of the people in the truck can ride in the back.

"That law's old, hard to understand and incredibly inconsistent," said Higgins. "When you're driving a car, you have to have the children in seat belts and child seats, but in a pickup, they can ride in back, bounce around and that's legal."

"It's really a throwback to the horse and buggy days," he said."

He went on to say he contacted the local state senator, a man by the name of James L. Seward, who is a Republican from Milford, and state assemblyman, Bill Magee, who is a Democrat from Nelson, about his concerns. Both of these individuals shared the concerns that were articulated very clearly by the local justice and picked up on the essential nature of Bill 153 that we are discussing today.

He went on to say that in his particular area of the United States, there have been over 200 deaths and injuries resulting from riding in the back of trucks, and it's a serious problem that needs to be addressed.

There are other examples of very tragic situations. I'm quoting from an article of August 24, 2004:

The deaths of two 20-year-olds in The Pas, Manitoba, in an August 21, 2004, pickup truck rollover have led to renewed calls to make it illegal for passengers to ride in the open box of pickup trucks.

"According to news reports, 20 people were riding in a pickup truck near The Pas—14 in the open bed and six in the cab." That just demonstrates why this bill should move forward at this particular time.

Ms. Laurie Scott (Haliburton—Victoria—Brock): I'm pleased to rise today to speak on Bill 153, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act.

We're debating the bill here today, and many members have mentioned that it was originally brought forward by the member from Northumberland, Dr. Doug Galt, so it is fitting that the new member from North-

umberland reintroduce this bill this morning in the Legislature. I appreciate that he's doing it so we have a chance to consider tightening up safety laws that we have in the province.

When it was initially introduced by Dr. Galt, the bill went quite far along in the process in becoming law. It received second reading and had gone to committee for consideration. Unfortunately, it didn't have the chance to come forward for third reading. I had a chance to review some of the committee discussions. They were quite good and quite thoughtful and with some good recommendations. I know Al McDonald reintroduced the bill in 2002. He was the former MPP from Nipissing. I see that Mr. Rinaldi has incorporated a lot of the amendments the committee brought through, improving the bill, and the work is not going to be lost.

One of the things I worry about in the bill, and some of the members have mentioned, is the lack of protection for farmers. I understand that there could be regulations made exempting any class of motor vehicle or passenger, but the key word here is "may." When the word "may" is used, it also encompasses the possibility that regulations may not be made. We really have to look at that again so that there is protection for farmers built into the body of the bill rather than leaving it to the regulations. We've also mentioned parades. I think there's a lot to work with here, that we can make some improvements and do some fine-tuning.

1140

I want to take a few minutes to reflect upon the fact that the bill was named after the two people who were involved in the tragic accident in which they were killed suddenly on July 30, 2000, and in which their friend Robert Toddish received serious head injuries, when they were in the accident and ejected from the back of the pickup truck. I come from a rural riding and grew up in a small town. For sure, we took lots of rides in the back of pickup trucks between farms on rural roads.

I've nursed at the local hospitals and even in Toronto. We had many patients airlifted to us in Toronto and that we airlifted from the rural hospital, who had been involved in such tragic accidents. The same can be said with motorcycle accidents—just no protection when you are thrown from the vehicle. It is a fact of life in rural Ontario that you do use a pickup truck, as the member from Peterborough said. And duct tape is also used sometimes to hold it together.

Motor vehicle accidents are certainly the leading cause of death among our young people. I had a young cousin who, before he reached his 20th birthday, was killed tragically with another young person from Bobcaygeon in a motor vehicle accident. There's certainly the devastation that the families incur when young people pass on and the effect that it has on their friends. There was a great letter that was read by the member from Oxford that I think emotionally and quite eloquently put the devastating effects that these accidents have on our small communities and on young people.

Anything that we can do to protect the safety of people we should do. It is our responsibility as legislators. I'm happy that the bill is being brought forward again by the member from Northumberland. It's going to be studied in committee. We're going to have discussions about the regulations and how it can be enforced reasonably, to not hamper some of the stakeholders that were mentioned. I congratulate the member from Northumberland for bringing this forward, and I look forward to sending it to committee.

The Deputy Speaker: Further debate? The member for Perth—Middlesex—excuse me; Hamilton East and then—

Ms. Horwath: I think I have—

Mr. Bisson: We've got one minute and 37 seconds left.

Ms. Horwath: Yes, my very generous colleague from Timmins-James Bay left me a minute and 25 seconds, during which I wish to say two things, really. One is how much I respect and have a great amount of deference for the family of the young man who was killed in the traffic tragedy that initiated this bill. I'm a parent as well. My son's only 12 and isn't in that realm yet of all of the very frightening issues around automobile accidents. The Lawrences are extremely courageous. I respect them a great deal for following this through for so many years after the tragedy and ensuring that this bill was brought forward. I thank the member from Northumberland for bringing it forward.

I will be supporting it, but I do recognize in discussions with the member that he will be looking at possible amendments to deal with overall pickup trucks, not just commercial vehicles but the ones that young men in their 20s generally like to drive. I look forward to those amendments. I think that they're important. I'm a little bit concerned that those amendments are going to go in the wrong direction. I think that just as private citizens need to be protected, so do workers when they're travelling in these kinds of vehicles, and I expect that that will be protected as well.

Mr. John Wilkinson (Perth—Middlesex): I would like to join in the debate today in support of my good friend the member from Northumberland and speak about two things: tragedy and hope. I would like to address my comments to the Lawrence family, who are here today.

I recall that the great American President, and a wonderful orator, a man named Theodore Roosevelt, said, "Death is always and under all circumstances a tragedy, for if it is not, then it means that life itself has become one." It's true of the human condition that we take tragedy, as human beings, and we show the bravery that you are showing here today; we take that tragedy and we turn into hope. It was Shakespeare—and I'm the member from Stratford—who said,

The miserable have no other medicine
But only hope.

On behalf of all of us here, I want to commend you for sticking with this cause which is so dear to your heart, for

taking a tragedy and transferring that into hope and inspiring all of us to do what we know is the right thing in this House. We know that this bill, which was introduced previously by Dr. Doug Galt, the member from Northumberland, and now by his successor, my friend Mr Rinaldi, is the right thing to do. As some of us have said, it's difficult for this House sometimes to do those things which are so very simple, yet so very right. I know that all of us who have entered into the debate today are joining together to talk to our three House leaders to make this bill a reality.

I speak to this bill because of my friendship with the member from Northumberland. I was raised in the town of Trenton, at the confluence of the great ridings of Northumberland, Hastings and Prince Edward county. I myself represent a rural riding, and as a young lad I was on the back of pickup trucks. For the farm jobs that I had growing up in Northumberland county, as a matter of fact, at Laferty's farm and at Zimmerman's farm, I distinctly remember doing that and not thinking anything of it. I don't think my parents thought anything of it either.

A question was raised by the member for Timmins-James Bay about the need to have adequate resources. But one of the things that has always struck me, as a new member of this place and as a member of government, is that we seem to have all the money in the world to pay for those brave police officers and those incredibly heroic professional and volunteer firefighters who attend these scenes of great tragedy; we have money for the health care system, for those children and young people—again, in this case the one person who did not die but was maimed for life; we have money to pay insurance premiums so that insurance companies can pay out the millions of dollars on those who survive such a tragedy, but we don't seem to have the money to make sure that our police officers are in a position to help prevent this tragedy.

It's not so much the police officers, I think, as the education that is required in our schools to change the culture. The great changes in our life—for example, the fact that smoking today is unacceptable, the fact that we don't allow drinking and driving, the member for Prince Edward-Hastings' bill, Sandy's Law, about convincing women of childbearing age not to drink—are societal changes. We come together and we take tragedy and we turn it into hope. It is part of the human condition. It was Aristotle who said, "Hope is a waking dream." This is a place where we are fully awake. The people of Ontario have sent us here to do the right thing in all cases. Sometimes it's the simple things that are so difficult for us to do, so I commend the member from Northumberland for his perseverance. It is for many of us in this House really a question of the rural way of life. We must, as members from rural Ontario, take that message into the classrooms. All of us go into the classrooms of rural Ontario to talk about government to people in grade 10. We can be a force of change in this province, to take a tragedy and turn it into hope.

On behalf of all of us I want to commend the member, but particularly the Lawrence family, for their bravery here today. We will do all we can not to let you down. Thank you.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I again rise to speak in favour of this type of legislation. Doug Galt's original private member's bill is now resurrected by Lou Rinaldi, and I thank Mr. Rinaldi for doing this. This kind of legislation can avert the tragedies that many of us know about, oftentimes, in rural ridings and northern parts of this province. Most people can see the danger. But oftentimes young people can't when they're coming back from a bush party or they're at the lake or when they're using farm trucks as recreational vehicles.

I represent a labour-intensive farm riding. We grow cucumbers, ginseng, tomatoes, tobacco and apples, and it does require that many farmers have to up 30 or 35 people working on their farms. They have a number of farms. I think of our farms, where, every day, we would have to move on the roads from farm to farm. So there is a concern.

1150

There was a concern when former MPP Doug Galt introduced this bill, to what extent it may or may not disrupt normal farm operations. I know the Galt bill applied to vehicles at the 60-kilometre mark. This legislation lowers it to a vehicle that has to travel less than 25 kilometres an hour.

As a past president of the Norfolk Farm Safety Association, I, as do farmers, realize the importance of safety around our farms. We do have to use the roads. We do have to use the roads, for example, to move tobacco and other products. We have to realize that not everybody can fit into the cab of a pickup truck, and for most of us, if we're working up ground or plowing, there's no way our wives or, in other cases, husbands will allow us to get in the car, because we're covered in dust. We're covered in clay or sand, depending on what you're farming. We're covered in diesel fuel and mud and grease and hydraulic fluid. That does not go well on car upholstery or pickup truck upholstery.

So we do ask for some flexibility and some discretion with respect to this. There's been some very good work done through the Ontario Federation of Agriculture with respect to classifying certain vehicles as implements of husbandry. I think of school buses that have been cut back to hold the round bales.

Pickup trucks or flatbeds that can be cut back become farm implements to carry tobacco on the road, but they have to have working lights, brakes and good tires. You know, down our way, we don't tolerate duct tape on the headlight, although I've had to do that a bit myself. I've only hit two deer so far this year. I don't know about the rest of you.

So we have to take into consideration labour-intensive agriculture. There is that requirement to get workers from farm to farm, and oftentimes we do have to use not only the back roads, but the provincial highways. Thank you.

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): Before I start, I want to express my sympathies to both the Lawrence family and the Mackey family. Also, my thoughts and concerns go out to families that have lost family members to these kinds of accidents, and even to the families who have children or family members who have suffered brain injuries or other debilitating injuries, who have lost the future they thought they had for their children. We all have expectations for family members and for children, and when these kinds of things happen, they're life-altering for all of us. They completely change our lives.

I'm from the farm community, as everyone is well aware, and pickups are a very common vehicle, a very common mode of transportation. Over the years, we've had our share of farm accidents with these types of vehicles, and we have the Farm Safety Association, which has done a very good job of making farmers aware of the dangers of transporting people in the back of pickup trucks.

One of the things I see now is that the pickup truck has gone from being a utility vehicle, from being a vehicle that has a work purpose, to becoming a sport vehicle. I live en route from an urban centre, London, to Grand Bend and Port Franks. On weekends, it's not uncommon to see a short box pickup truck, a nice sporty thing all painted up in yellows and reds and all the graphics on the sides, the roll bars, the whole bit—

Interjection: And the lights.

Mrs. Van Bommel: And the lights, exactly. There are young people standing in the back. They're not sitting; they're standing in the back, hanging on to the roll bar, and they're travelling at high speed. I can barely look. I can barely watch it, because I'm so afraid of what's going to happen. I don't want to see what could happen. It scares me. If they were sitting in the cab of the truck, they'd have to have a seatbelt on across their shoulders and across their hips and they'd be secured in there completely. But the moment they can step outside and actually, like I say, stand there, nobody can stop them. The police have to watch this go by. As a citizen, I have to watch that go by. I can't phone the police. If I do, they say, "Well, we can't do anything about it because the law does not require that someone has to be secured in the back of a pickup truck." So I fully support this legislation. Like I said, it frightens me to no end to see this.

We talked about amendments that are necessary to this, and I recognize that. As I say, farmers use the pickups for work purposes. But quite frankly, most farmers are very aware of what the dangers are. We travel at higher speeds; we have that capability. We can do so much more, but we also have the potential for more accidents. I think that even in the farm community we recognize that this is good legislation and we need to follow through on this.

We need to talk about the whole issue of speed. If there are exemptions granted, speed has to be a part of that, you know, you can't travel at a certain speed.

I know that we use pickup trucks in things like parades and that sort of thing, and all those things have to come into play, but I still feel that the intent of this legislation is good. I feel that we can bring forward the kinds of amendments that we need to clean this whole issue up.

What we need very much is to have something in place that will prevent the deaths and the kinds of permanent injuries that we have seen all too often in our communities because of that ability to ride in the back. When you're young, you always think you'll live forever and you don't think you're going to get hurt doing that. Someone might say that we're restricting someone's freedom, but I also think that we're working in the public interest and we're working to save our young people from death and permanent injury. So I very much support the member's bill, and I'd like to see this one passed today.

The Deputy Speaker: Mr. Rinaldi, you have two minutes to reply.

Mr. Rinaldi: I want to thank all the members from all sides of the House for their valued input: Ernie Hardeman from Oxford, Laurie Scott from Haliburton-Victoria-Brock, Toby Barrett from Haldimand-Norfolk-Brant, Gilles Bisson from Timmins-James Bay, Andrea Horwath from Hamilton East, and of course our members, my good friend Jeff Leal from Peterborough, John Wilkinson from Perth-Middlesex and Maria Van Bommel from Lambton-Kent-Middlesex.

I guess the biggest thanks first and foremost is to the Lawrence family for taking their time and their perseverance—I think that they've heard from all sides of the House today that we are all in the same tune—and for being here today, to just strengthen the importance of a piece of legislation that I think—I know—will have meaningful and long-lasting benefits for society, forever and ever down the road.

I've heard today about a number of suggestions about amendments. This is what it's all about. We've brought forward this piece of legislation. It's already been through committee. The previous member brought it through. We picked out some issues to try to make the bill better. Certainly we're open to amendments. If it can make things better, if it can make things safer, by all means.

We talked about how, yes, we can put in legislation, but then we have to police it. Of course we have to police it. But if we don't have legislation, we have no tools to police. I'll use a comment that my friend Maria used: It's a chicken-and-egg situation. Yes, we need more police resources, we need more firefighters, but if we don't have laws to police, what are we policing?

So I think it's a start. I encourage all members from all sides of the House to support this today and hopefully move it forward.

The Deputy Speaker: Thank you, to all members. The time allowed for private members' public business has now expired.

FARM IMPLEMENTS
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI
SUR LES APPAREILS AGRICOLES

The Deputy Speaker (Mr. Bruce Crozier): We'll deal first with ballot item number 51, standing in the name of Mr. Hardeman.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, the bill will be referred to the committee of the whole, but I believe Mr. Hardeman has a request.

Mr. Ernie Hardeman (Oxford): I would ask for permission to refer it to the standing committee on the Legislative Assembly.

The Deputy Speaker: Agreed? Agreed.

JAY LAWRENCE AND BART MACKEY
MEMORIAL ACT (HIGHWAY TRAFFIC
AMENDMENT), 2005

LOI DE 2005 COMMÉMORANT
JAY LAWRENCE ET BART MACKEY
(MODIFICATION DU CODE DE LA ROUTE)

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item number 52, standing in the name of Mr. Rinaldi.

Is it the pleasure of the House that the motion carry? Carried.

Mr. Lou Rinaldi (Northumberland): I'd like to refer the bill to the stand committee on general government.

The Deputy Speaker: Agreed? Agreed.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

The House recessed from 1200 to 1330.

MEMBERS' STATEMENTS

HEALTH CARE SPECIALISTS

Mr. Gilles Bisson (Timmins-James Bay): I rise today to raise an issue that is fast becoming somewhat of an epidemic in northeastern and northwestern Ontario, and that is the issue of the loss of specialists. We know that earlier this month a number of doctors in northwestern Ontario decided to pull up stakes in the community, leaving the community in a heck of a situation to deal with the medical needs of the residents.

We now find, by way of the newspapers and by way of calls to my office just this week, that a number of specialists in the city of Timmins are also upset because of the conditions they find themselves in when it comes to the office space they need to use at the hospital in regard to being able to carry out their practices. They talk about picking up 20 litres of water through leaking roofs

as they try to care for patients. We're not talking just about family doctors; we're talking about specialists, and people who are going in to see internists and others. I want to advise this House that I will be meeting with these individuals later on this weekend to sit down and take a look at what can be done.

I want to also tell this House and the community back in Timmins that Councillor Gary Scripnick, I think, has come up with a good idea, and that is for the community to work together to try to find a way of building a facility adjacent to the hospital that would suit the needs of the doctors, not only those that are here now but those later. I look forward to working with Gary Scripnick, city councillor for Timmins, ward 1, and with the rest of the city and the hospital toward a resolution. I want to put the government on notice that we will be coming with an application for money.

HEALTH CARE

Mrs. Julia Munro (York North): Three days ago, I informed the Minister of Health in this House that my constituents are facing a crisis in their health care. Thousands are without family doctors. Ambulances are redirected constantly. Patients cannot get the CT scans they need. Specialists are unavailable or overworked. The government has abandoned doctors and nurses to provide care without the resources they need. My constituents are asking me, what is the Liberal plan for health care?

When our PC government was in power, we had a plan. We made the tough decisions. We increased spending by \$10 billion, but we also made changes that were necessary. Our government closed aging, decrepit hospitals in downtown Toronto when that was the best way to improve health care. We planned a huge, new hospital in Brampton using an innovative private-public partnership. In my own riding, we committed funds to start a cancer centre in Newmarket, a commitment the Liberals are dithering about delivering.

The McGuinty Liberals do not have what it takes to make the tough decisions to save health care. Their priority is a massive bureaucratic organization, which means nothing to front-line doctors and nurses. The people of Ontario can only hope that Liberal dithering and incompetence does as little damage as possible before a John Tory government can restore our health care system.

MISSISSAUGA SPORTS WEEK

Mr. Peter Fonseca (Mississauga East): I rise in the House today to announce that it is Sports Week in the city of Mississauga. Mississauga Sports Week is an action-packed week of special events, displays and demonstrations designed to promote and celebrate the hundreds of sporting events and activities available to the residents in Mississauga.

I had the opportunity to attend the Mississauga Sports Council Sports Week kickoff breakfast with my col-

leagues the Minister of Transportation, Harinder Takhar, and Tim Peterson. At the breakfast, the sports council received \$45,000 from the communities in action fund grant to ensure that these activities, such as sports week, are possible and also contribute to the council's work in promoting sport and activities within Mississauga. This partnership between the government and the Mississauga Sports Council is all part of this government's larger strategy to create a healthy, active Ontario.

The rest of the week is jam-packed with exciting, engaging activities. There will be celebrity bowling, a night with the Mississauga Ice Dogs, a sports seminar that will culminate with a sports camps and leisure show this Saturday at Square One.

I want to take this moment to acknowledge all the hard work of Chuck Ealey and Cathy Rudisi, the co-chairs, and the efforts of the rest of the council and its executive director, Catherine Holland. Their year-round work on the sports council contributes to the development of sports facilities, activity programs, training and resources and ensures that the hard work and achievements of local coaches, volunteers and athletes are acknowledged and celebrated within the community.

SHIRLEY FINCH

Mr. Norm Miller (Parry Sound–Muskoka): I rise today to recognize the achievements of Mrs. Shirley Finch, a constituent of the beautiful riding of Parry Sound–Muskoka and a resident of Bracebridge. Mrs. Finch was recently selected by the Bracebridge Rotary Club as Citizen of the Year.

Yesterday, the rotary club celebrated its 100-year anniversary and continues to provide much-needed services to different communities. The Bracebridge Rotary Club organizes many youth programs from the Rotary Youth Centre, including Guides and Scouting activities.

On an international level, the rotary club continues to mobilize thousands of Polio Plus volunteers and has immunized more than one billion children worldwide. By the 2005 target date for certification of a polio-free world, rotary will have contributed half a billion dollars to the cause.

Mrs. Finch was nominated for Citizen of the Year by Tony Armstrong and received glowing endorsements from other Bracebridge residents.

From 1967 to 1981, Mrs. Finch has taken on various leadership roles with Girl Guides. She has served as deputy commissioner of Muskoka, district commissioner of Bracebridge, Milford Bay and Port Carling and has served as a Brownie and Pathfinder leader. In 2002, Mrs. Finch was awarded her 40-year pin by Girl Guides of Canada. She is now a Cub leader with Tony Armstrong.

Mrs. Finch has also been involved with the Order of the Eastern Star, the Royal Canadian Legion poppy day program, the breakfast club at the Muskoka Falls Public School and Meals on Wheels.

I wish to extend my sincere congratulations to Mrs. Finch, her husband, Wes, and their family and to sin-

cerely thank her for her many years of dedicated volunteer service.

GREENBELT LEGISLATION

Mr. Vic Dhillon (Brampton West–Mississauga): Later today, we will be voting on a historic piece of legislation. It's called the Greenbelt Act and, if passed, it will protect over one million acres of prime agricultural land and green space in Ontario's Golden Horseshoe. This is the boldest piece of planning law in Ontario's history, and it's a legacy I'm proud to leave future generations.

This is a momentous occasion. It follows months of public consultation with public leaders, municipal representatives, scientists, environmentalists and planners. Others claim to care about the green space, but they repeatedly failed to protect it. Today, we have put our words into action. Today, we take one million acres and protect it for future generations so that they can continue Ontario's proud farming tradition and enjoy Ontario's green space.

We are planning in a more comprehensive way than ever before. We are enhancing biodiversity instead of paving over it. We are cherishing Ontario's natural resources. We are respecting nature's delicate balance, and we are recognizing that a healthy population is directly linked to a healthy environment. In two words, today is about tomorrow.

I encourage all members of this House to vote in favour of this very important piece of legislation.

LANGUAGE EDUCATION

Mr. John R. Baird (Nepean–Carleton): I rise today to bring an important issue in education to the attention of the House. Learning a second or third language is tremendously important to many young people and their families across the province of Ontario. I had the pleasure of learning to speak French in our publicly funded education system, but I also had the chance to learn a third language, Spanish, and that was tremendously important.

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I want to stand today in this Legislature and call on the Minister of Education to expand Spanish-language training, because it's having a desperately terrible effect on family life. I even hear that there are people in Dufferin county who have to send their kids to Rosedale so they can learn Spanish, because Spanish isn't available to be taught in our publicly funded school system in rural Ontario. I want to appeal to this government to stand up today and demand that Spanish lessons be offered to students throughout Ontario, not just in Rosedale. How long will these families have to be separated, putting stresses on their personal finances by having to keep up two residences, one in Dufferin county and another in swanky Rosedale? I call upon this government to stand in their place, admit the folly of their ways and bring

Spanish education, and most importantly, help reunite families in the province of Ontario.

AGRICULTURE INDUSTRY

Mr. Phil McNeely (Ottawa–Orléans): This government is committed to supporting our agricultural industry. As the member representing the agricultural area of Ottawa–Orléans and as someone who grew up on a farm, I try to spread this message whenever I meet with Ontario's farmers and producers.

We made sure that farmers got a better deal on the agricultural policy framework with the federal government. We are spending \$74 million to provide stability for our farmers in times of crisis. We are providing up to \$30 million to help the cattle industry cope with BSE. These are but a few of the steps we've taken to support agriculture in Ontario, and we know there is still much to be done.

I know that our rural members and our Minister of Agriculture are working hard on an ongoing basis to develop a strategy that will help our farmers.

There will always be challenges facing Ontario's agricultural industry, and we must be equipped to face them. The \$23-billion gap facing Ontario undermines our ability to prepare for these and other challenges. When we're facing an inherited \$5.6-billion deficit, when we're 10th out of 10 provinces for post-secondary education funding and when we're unable to properly settle and train immigrants, we have a problem. The situation in agriculture is a symptom of that \$23-billion problem.

For the record, I am disappointed that there was nothing in yesterday's federal budget to address this issue, even though Canada recorded its eighth consecutive balanced budget.

A fair deal for Ontario will help all of Canada.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Jeff Leal (Peterborough): I rise today to speak about yesterday's federal budget. The \$23-billion gap between what Ontario gives to Ottawa and what we get back remains unaddressed. In recent years, that gap has been growing, constraining our ability to invest in things that matter to Ontarians.

We in Ontario have always been proud to contribute to the health of Canada's economy. We've always happily done our fair share for the country. We're now asking the federal government to give Ontarians our fair share of our own money. We need that money so that we can ensure that Ontario's economy, which drives Canada's economy, continues to grow.

One of our biggest competitive advantages is our health care system. But that system is growing at an astounding rate, and we need to make investments to transform it and make it more sustainable. It is critical that we modernize health care, but to do so requires investing in the system. To do that, we need the federal

government to give Ontario its fair share and begin addressing the \$23-billion gap.

I look forward to working with my federal counterpart, the Honourable Peter Adams, MP for Peterborough, on this very important matter.

Mr. John Wilkinson (Perth–Middlesex): Yesterday was budget day in Ottawa. We here in Ontario had hoped that they would take the opportunity to address the \$23-billion gap between what Ontario puts into federal coffers and what it gets back. Unfortunately, we didn't see any action on that file, despite the all-party support the Premier's resolution received in this Legislature. It's unfortunate, because Ontario indeed is the engine of this country's economy, and we need to make investments that will ensure we continue to be that engine.

One of the keys to ensuring a healthy economy down the road is an outstanding public education system. We need the federal government to address the \$23-billion gap so that we can develop the best-educated, most highly skilled workforce, which can compete with the world for the best jobs. We need a strong, vibrant, publicly funded education system that will give our children a clear, competitive advantage in an increasingly complex economy.

Ontarians are proud Canadians. We've always given our fair share to Canada. Unlike previous parties that bashed the federal government, we won't do that. We're working with them. Now we're asking for our fair share in return. We need the \$23-billion gap to be addressed so that we can continue to create the wealth that we and our fellow Canadians rely on.

STATEMENTS BY THE MINISTRY AND RESPONSES

FEDERAL-PROVINCIAL FISCAL POLICIES

POLITIQUES FISCALES FÉDÉRALES-PROVINCIALES

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): A rare event happened this week in this place: We agreed. In fact, we all agreed. Members representing all parties unanimously supported a motion to narrow the \$23-billion gap. We all put our common cause, the people we are privileged to serve, ahead of any other interests.

I want to thank and congratulate my colleagues on the other side of the Legislature for recognizing an issue that transcends our usual political differences, but then, and I say this with respect to my colleagues in this place, something even more important happened: Ontarians agreed.

We've received calls of encouragement in our community offices from the people we are privileged to represent. We received non-partisan support from prominent

Ontarians like former Premier Bob Rae. Virtually the entire health sector wrote to the Prime Minister to offer their support for this Legislature. The people who deliver care to our sick perhaps know best the consequences of the \$23-billion gap, because they bear those consequences each and every day.

Make no mistake, momentum is building for our common cause. Notre cause commune est un Ontario fort au sein d'un Canada fort, un Ontario qui est suffisamment fort pour assumer ses responsabilités particulières envers ce grand pays, un Ontario qui est suffisamment riche pour assurer des services publics forts d'un océan à l'autre. That common cause is a strong Ontario in a strong Canada, an Ontario that is strong enough to fulfill its unique responsibility to this great country, an Ontario that is wealthy enough to guarantee strong public services from coast to coast to coast.

We understand who creates our wealth: the people of this province. You've often heard me say this, but it bears repeating: Our strength is our people. We understand that our wealth is created by the skills and hard work of our people. That is our competitive advantage.

It is in this context that yesterday's federal budget is so disappointing. Let me be clear: We applaud the federal government's efforts in some areas, particularly the environment. We share the federal government's commitment to improving our cities. We ourselves are dedicating two cents of the existing gas tax to Ontario municipalities.

But there is only one conclusion to be drawn from yesterday's federal budget: The federal government missed an opportunity to recognize our shared issue, this \$23-billion gap, and to join our common cause, a stronger Ontario for a stronger Canada.

To take perhaps the most puzzling example, yesterday's budget provided no significant new investments in post-secondary education. At a time when the strength of our economy depends on the skills of our people, the national government failed to invest in the institutions that sharpen those skills. The Rae report made clear how much there is to do, and how critical it is that we do it, but yesterday, the federal government sent us a message that they do not intend to play their part in making this happen.

On behalf of our students, their parents, and the universities and colleges that educate them, I say that is unacceptable. We will work to ensure that the federal government plays its role here. I know that Ontarians who care about the future of their province will support us in that work.

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We understand that immigration strengthens our society and our economy, but yesterday's budget did nothing to correct the unfairness that sees \$3,800 invested in immigrants who land in Montreal and just \$800 in those who land in Toronto. Some have argued that we should not be complaining, that we are receiving our per capita share of the new immigration money. But that, too, is unfair: When we receive over half of the country's

immigrants, it is unfair that we receive only 40% of the new federal immigration funding and 34% of the old federal immigration funding. Yesterday's budget does nothing to correct that problem.

I also want to say something directly to Ontarians about the burden we bear in financing national programs. We applaud the federal government's efforts to establish a true, high-quality national child care program. We have been allies in the fight to make it happen since we sat on the other side of this House. Here is the real story: That national program comes at a cost to Ontario. The federal government will get \$2.2 billion from Ontarians to fund national child care, but they will return just \$1.9 billion to Ontarians to provide child care in Ontario. That means national child care will cost Ontarians \$300 million each and every year after it is fully implemented. I say this out of a sense of responsibility. We support national child care and we will continue to fight for it, but in return, we ask to be treated fairly.

The federal government has \$31 billion in total surpluses over the next five years. Ontarians are contributing 43% of that money. Ontario is the economic engine of Canada, and that is a responsibility that we gladly embrace. Ontarians are proud to share the wealth they generate with Canadians so Canadians everywhere can enjoy quality public services. But there comes a time when, if we do not retain a sufficient amount of our wealth to invest in Ontarians, we compromise our ability to build a stronger Ontario for a stronger Canada. I believe that time has come.

I believe that there is something fundamentally wrong when the province of Ontario, Canada's economic engine, which works so hard to fund good-quality college and university programs right across the country, finds itself dead last among the 10 provinces when it comes to funding levels for our colleges and our universities. If we were put on the same footing as Quebec when it came to funding immigration, we could get \$330 million more every year. If we were treated in the same way as the other provinces are with respect to the Canada health transfer and the Canada social transfer, we would get \$1 billion more every year that we could invest in our colleges, our universities, our health care and our other social programs. If we were treated the same as the other provinces when it came to employment insurance, we could get \$1.3 billion more every year.

I am a proud Canadian, and I want to make my country stronger. I know the way to build a stronger Canada is to build a stronger Ontario. Our resolve on this matter will not waver. Over the coming days and weeks, I expect that more and more Ontarians will express their support. We've already received support from the health care community. We will also be seeking support from representatives of our colleges, universities, schools, cities, towns, villages, farmers, businesses, and our arts and culture community. We want the support of each and every Ontarian: from our young, from our middle-aged, from our elderly.

The people of this province deserve to have the federal government acknowledge the existence of this \$23-billion gap and the federal government's commitment to work with us to address it. We are not asking for special treatment; we are asking for fairness. We are asking that we keep enough of our wealth to invest in Ontarians so we can continue to play a leadership role in Canada.

We have just begun to press our case. In doing so, in pressing that case, we will be resolute and relentless, because Ontarians and Canadians deserve nothing less.

LIVESTOCK INDUSTRY

Hon. Steve Peters (Minister of Agriculture and Food):

Our government recognizes that Ontario's livestock industry has contributed tremendously to our economy, but it continues to endure hardship over the ongoing border closures. That is why we continue to work closely with the industry and our federal partners to fully establish trade with the United States and other partners as soon as possible.

This government has provided close to \$138 million for our livestock industry. When combined with federal funding, as much as \$410 million can be delivered to Ontario's livestock sector.

One of the areas of investment is the \$7-million mature animal abattoir fund. This fund is helping to increase Ontario's slaughter capacity. Stage 3 of this fund will provide \$800,000 to St. Helen's Meat Packers of Toronto, Abingdon Meat Packers of Caistor Centre, and Eric's Claybelt Abattoir in Timiskaming to help increase capacity in Ontario's underserved areas and also benefit other segments of the ruminant livestock industry; in particular, sheep and veal.

When all the projects are fully up and running, we will increase slaughter capacity in this province by more than 6,500 animals a month.

Our government is following through on its commitment to act on the Haines report by continuing to support deadstock collection. We are announcing today that we are providing \$4 million in new funding to ensure that proper disposal of deadstock in our province continues.

By investing in our livestock industry today, we are making a responsible investment in Ontario's future.

SEMAINE DU PATRIMOINE

HERITAGE WEEK

L'hon. Madeleine Meilleur (ministre de la Culture, ministre déléguée aux Affaires francophones): La Semaine du patrimoine est une occasion unique de célébrer le patrimoine culturel divers de l'Ontario et de rendre hommage aux travaux importants entrepris par les organismes patrimoniaux et les bénévoles de toute la province en matière de préservation de nos sites et lieux historiques irremplaçables.

The origins of Heritage Week go back to 1974, when the Heritage Canada Foundation designated the third

Monday in February as Heritage Day. This year, Heritage Day fell on February 21.

In 1985, Ontario designated the third week in February as Ontario Heritage Week, with National Heritage Day kicking off our own provincial week of celebration. This year's theme is Our Shared Legacy.

Le secteur du patrimoine vit des moments passionnants à l'heure actuelle. Le projet de loi 60, soit les changements les plus importants jamais apportés à la Loi sur le patrimoine de l'Ontario, suit son cours au sein du processus législatif. Il permettra de renforcer la loi et d'aider à préserver et protéger les sites, les bâtiments et les paysages culturels du patrimoine provincial dans l'intérêt des générations futures.

That's good news, because heritage matters to Ontarians. It contributes significantly to both Ontario's quality of life and its economy.

The celebration of Heritage Week going on across the province must remind us that, unfortunately, every year in this province unique heritage buildings and sites are destroyed. This has to stop. That's why we have proposed significant changes to the Ontario Heritage Act. I am confident that the changes we propose in this bill will help prevent the needless loss of valuable heritage resources.

1400

En plus du lancement de la Semaine du patrimoine ontarien, auquel j'ai assisté au Temple de Sharon, à une localité située juste à l'est de Newmarket, des organismes patrimoniaux et des groupes communautaires de toute la province organisent des événements spéciaux mettant en vedette l'histoire locale et des sites du patrimoine. Vous pouvez découvrir les événements organisés dans vos collectivités en visitant le site Web du ministère de la Culture.

Some heritage events going on this week are: The Wilno Heritage Society has organized a Polish heritage film festival highlighting Polish-Canadian settlement history. Lifeworlds-Artscapes is holding a contemporary Iroquoian art exhibit at the Woodland Cultural Centre in Brantford; and the Museum of Health Care in Kingston is presenting an interesting event called Potions, Pills, Prescriptions: Remedies of 1900.

Alors, je vous encourage tous et toutes à participer cette semaine aux événements organisés dans vos collectivités locales. Je vous souhaite une excellente Semaine du patrimoine.

SECURITIES INDUSTRY

Hon. Gerry Phillips (Chair of the Management Board of Cabinet): I rise to briefly update the House on the progress our government is making on another five of the recommendations that were made by the standing committee on finance and economic affairs when they tabled their report last fall on the five-year review of the Securities Act. At that time, I indicated that there were 14 recommendations in the report and that our government

immediately engaged on half of them. I want to report on another five of them today.

One of the legislative committee's recommendations was to proclaim the civil liability provisions for secondary market investors. We then moved, after the report, to include that in our fall budget bill. We now have the necessary legislation. Civil liability is about improving accountability and providing appropriate remedies to investors in the secondary market, in other words, in share re-sales. We've laid the groundwork and are now preparing the necessary regulatory changes. We will be bringing those forward over the next few months.

The standing committee, as you know, also recommended that the Ontario government continue to work with all stakeholders, including ministers in other provinces, toward the development of a single securities regulator. This call for a single securities regulator received the unanimous support of our all-party committee.

Previously, I have said that we need to engage experts from across the country to participate in the development of that new model. We are, as we indicated, appointing a panel to advance the design of a common securities regulator and to show us how it can serve the interests of all provinces and territories. I'm pleased to say that Ron Daniels, who is the dean and a professor at the University of Toronto's faculty of law, has agreed to act as the chair for the panel. Those are two examples of how we are proceeding with the recommendations: the civil liability and the single regulator panel.

We are also continuing to work on separating the OSC's adjudicative function from its other functions. The committee recommended that we consider that in conjunction with a single regulator. Consequently, this is one of the issues that we have asked Mr. Daniels's panel to consider in the context of a single regulator, as the standing committee report recommended.

The committee also recommended that the government establish a task force to review the role of self-regulatory organizations. We have begun the necessary background work and will be moving forward on this recommendation later this year.

The committee also recommended that the Ontario Securities Commission and the Canadian Securities Administrators should require publicly offered mutual funds to establish and maintain an independent governance body to provide for substantial investor protection. We commend the work that the OSC and other regulators have done on this to date, and it's considerable work. This is an important initiative, and we're now awaiting the report from the securities regulators in order to act on it.

This legislative committee tabled its report five months ago. As I said at the time, it was an extremely solid report. We are making real progress on their recommendations.

Today, virtually all of us in Ontario are investors in the equity market. Our government believes that these forward steps will contribute to a stronger, more modern economy to the benefit of all Ontarians.

The Speaker (Hon. Alvin Curling): Responses?

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Robert W. Runciman (Leader of the Opposition):

I think the people of Ontario are growing weary of the revisionist history being offered to them by the Premier and this Liberal government. The Premier would have us believe that the province of Ontario has been short-changed by the federal government for generations and that's the reason his government finds itself in a position where the deficit is spiralling out of control and vital public services are at risk. While it may be true that Ontario requires a new, more equitable financial arrangement with the federal government, this is not the reason that this Liberal government finds itself in the predicament it does today. The province of Ontario finds itself in trying economic times because this Premier and this Liberal government have proven time and time again to be utterly unable and unprepared to manage the affairs of government.

The inability of this government to develop a sound plan for the future of this province is truly disturbing, but what is worse is the refusal of the Premier and every member of the Liberal caucus to accept responsibility for their actions. They've been the government for almost a year and a half now, and all we have heard from them is who else is to blame for their failed policies.

Recently, we've heard nothing else from this government other than the need for the federal government to bail out the Ontario Liberals and provide \$5 billion to fund health care, infrastructure programs, immigration and to implement the Rae report. Not too many months ago, the Premier assured us all that the new working relationship between the federal and provincial governments would reap such a reward. Well, yesterday's federal budget was simply the icing on the cake in what has been a monumental failure for Premier McGuinty. The federal budget provides no new funding for health care. There was no announcement of funding to support the recommendations of the Rae report. Ontario still falls painfully short of the province of Quebec with respect to support funding for newly landed immigrants. And nowhere was it mentioned that Ontario would receive anything remotely close to \$5 billion of the federal surplus that the Premier has been demanding. What happened to forcing the federal government to address Ontario's priorities? So much for the Premier's muscle-flexing. Arnold Schwarzenegger, where are you?

Yesterday, the federal government flipped its nose at the Premier and sent a very clear message to the Liberal government: Don't come crying to us because you can't manage your province. The Premier's new and improved relationship with the federal government has failed and, in turn, the Premier has failed all Ontarians. In fact, the Premier's negotiating tactics have failed so badly that Ontario was not mentioned in Minister Goodale's speech a single time—not once. We in the official opposition

continue to follow the leadership of John Tory and continue to call on the Premier to immediately convene the Council of the Federation in order to negotiate a new long-term equitable deal for Ontario with respect to the sharing of wealth across this country.

With respect to the content of the federal budget, frankly, we respect the announcement of tax relief for hard-working Ontario families and we're happy to see that the federal government understands that high taxes on our valued employers destroy our competitive advantage in the global marketplace, a lesson this provincial Liberal government needs to learn. This tax relief from the federal government further isolates the Premier as a political leader with a thirst for higher taxes.

We can only hope that this Premier and the Minister of Finance see the light and follow in the footsteps of their federal cousins in the upcoming Ontario budget. Until then, I suppose we will sit and wait with all Ontarians to see whom this provincial Liberal government blames next for its absolute failure to represent our province's interests. We're now left to wonder what measures will be contained in the 2005 provincial budget to continue the Liberal assault on hard-working Ontarians.

LIVESTOCK INDUSTRY

Mr. Ernie Hardeman (Oxford): I just wanted to make a quick few comments on the Minister of Agriculture and Food's announcement, and it's obviously an announcement that has been repeated now for the third time. In fact, some of the recipients of the applications have appeared in more than one of these announcements as they spend the mature animal fund.

But I think what's most important is the press release I have from the Federation of Agriculture speaking to another announcement that the minister made on the weekend, which was replacing an old program that he had cancelled and is now putting back. The reason he has put it back is that, with no understanding of the program, he cancelled it. What the Federation of Agriculture says is, the farming industry in Ontario—

Interjections.

The Speaker (Hon. Alvin Curling): Order. Responses?

1410

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Howard Hampton (Kenora-Rainy River): I want to respond to the Premier's statement. I want to start out by saying that, yes, all Ontarians would like to see more funding for health care, for education, for post-secondary education, for the environment. We all want to see those things. But that is not the issue here.

The issue here is a Premier and a government that went through an election campaign and said to people that there's money for health care, there's money for education, there's money for post-secondary education,

there's money for municipalities, there's money to protect the environment, without ever having a plan. Now that it's obvious that they didn't have a plan, they're looking for someone to blame.

The problem for the Premier is that he has no credibility on this issue. The issue of a fiscal gap between Ottawa and some of the provinces is not new. This has been a subject of political discussion for over 15 years. But the Premier doesn't have any credibility on this issue, because when other Premiers raised this issue, this Premier and members of this government hooted with derision. They couldn't heap enough scorn on Bob Rae when he raised these issues. They couldn't heap enough scorn on Mike Harris or Ernie Eves when they raised these issues.

I want to raise some of the quotes of the now Minister of Finance: "I get so offended by the increasing tendency of governments—municipal, federal, provincial—who are always looking for another level of government to blame." That was the Minister of Finance's response.

This is what he said at another time when the issue of a fiscal gap was raised: "This business of seeking to blame others is the thing that is destroying us in Ontario, and we really have to stop it."

Let me quote some of the other ministers. Just a couple of years ago, when Conservative Premiers raised the issue of the fiscal gap, this is what the now health minister said: "I believe that if members were to talk to their constituents and not be partisan about this, most of their constituents would say that they're tired of governments, provincial and federal, hammering each other with salvo after salvo after salvo and not getting on with the real task of finding improvements in the system."

This is what the Minister of Tourism said when the issue of the fiscal gap was raised: "The pass-the-puck government. Whenever there's something, they blame local government or the federal government."

This is what the Minister of Energy said when the issue of the fiscal gap was raised a few years ago: "They like to blame the federal government for this, that or the other thing." They like to imply that it's someone else's fault.

Then there's the Premier. This is what the Premier said when former Premiers raised the issue of the fiscal gap: "Mike Harris is so obsessed with fed-bashing, he's ignoring the crisis in health care in his own backyard—one largely of his own making."

Here's another quote of the now Premier when other Premiers raised the issue of the fiscal gap a couple of years ago: Mike Harris "plays the blame game when it comes to the federal government. He says that if only the federal government would send the province more money, then things would be better off here."

More recently, just a few months ago, this Premier felt that Paul Martin was the saviour for Ontario. This is what the now Premier said at the Grey Cup meeting in November 2003:

"The message I got from the people of Ontario in our recent election was that they were sick and tired of the

infighting and the bickering and the blame games." Now who's playing the blame game?

Or just at few months ago, at the health summit, this is what the Premier said: "I really do believe there is more goodwill connected with this meeting than there has been in connection with many in the past." Now the same Premier wants to blame Ottawa, wants to blame his good friend Paul Martin, for his problems.

Here's the reality, Premier: You have no credibility on this issue. After scorning and criticizing every Premier in the last 15 years who has raised this issue, after saying you'd be different, after saying that if you got elected Premier, relationships with Ottawa would be wonderful, you now have no credibility to play the blame game.

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): On a point of order, Mr. Speaker: I would request unanimous consent of the House that at times when the government is going to make four announcements on the same day, the opposition and the third party be given 10 minutes, not five minutes, to respond.

Interjections.

The Speaker (Hon. Alvin Curling): Order. You are quite aware of the limitations on the time given for statements and for responses. I'm sure, if the House leaders get together, maybe they could make some changes to that.

Mr. Yakabuski: On a point of order, Mr. Speaker.

The Speaker: Is it on the same point?

Mr. Yakabuski: No, on a different point. I would request unanimous consent of the House that the government not make more than two announcements on the same day.

Interjections.

The Speaker: Order. Would you like me to deal with the point of order, member from Renfrew-Nipissing-Pembroke? Would you like me to deal with it?

Mr. Yakabuski: Yes, please.

The Speaker: Then please sit down and let me.

The member from Renfrew-Nipissing-Pembroke has asked for unanimous consent. I heard a no.

DEFERRED VOTES

GREENBELT ACT, 2005 LOI DE 2005 SUR LA CEINTURE DE VERDURE

Deferred vote on the motion for third reading of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges

et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

The Speaker (Hon. Alvin Curling): Call in the members. There will be a five-minute bell.

The division bells rang from 1417 to 1422.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

| | | |
|------------------------|---------------------|---------------------|
| Arthurs, Wayne | Duncan, Dwight | Parsons, Ernie |
| Bentley, Christopher | Flynn, Kevin Daniel | Peters, Steve |
| Berardinetti, Lorenzo | Fonseca, Peter | Phillips, Gerry |
| Bountrogianni, Marie | Gerretsen, John | Prue, Michael |
| Bradley, James J. | Horwath, Andrea | Pupatello, Sandra |
| Broten, Laurel C. | Jeffrey, Linda | Racco, Mario G. |
| Brownell, Jim | Kular, Kuldip | Ramsay, David |
| Bryant, Michael | Leal, Jeff | Rinaldi, Lou |
| Cansfield, Donna H. | Levac, Dave | Ruprecht, Tony |
| Caplan, David | Marchese, Rosario | Smitherman, George |
| Chambers, Mary Anne V. | Marsales, Judy | Takhar, Harinder S. |
| Churley, Marilyn | Matthews, Deborah | Van Bommel, Maria |
| Colle, Mike | McGuinty, Dalton | Watson, Jim |
| Crozier, Bruce | McMeekin, Ted | Wilkinson, John |
| Dhillon, Vic | McNeely, Phil | Wong, Tony C. |
| Domrowsky, Leona | Meilleur, Madeleine | Wynne, Kathleen O. |
| Duguid, Brad | Mossop, Jennifer F. | Zimmer, David |

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

| | | |
|-----------------|---------------------|---------------------|
| Arnott, Ted | Jackson, Cameron | Runciman, Robert W. |
| Baird, John R. | Klees, Frank | Scott, Laurie |
| Barrett, Toby | Miller, Norm | Sterling, Norman W. |
| Chudleigh, Ted | Munro, Julia | Tascona, Joseph N. |
| Hardeman, Ernie | Murdoch, Bill | Yakabuski, John |
| Hudak, Tim | Ouellette, Jerry J. | |

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 51; the nays are 17.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

ORAL QUESTIONS

PROVINCIAL DEFICIT

Mr. Robert W. Runciman (Leader of the Opposition): My question is for the Premier. Premier, I don't know if you can answer this question without tap dancing and pointing fingers, and I don't know if Ontarians can hear the answer without wincing, but let's try. Please tell this assembly what the current deficit is for the province of Ontario.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): It is no secret that we have inherited a \$5.6-billion deficit as a result of the irresponsible actions on the part of the former Conservative government. It's no secret whatsoever, and the member should know that.

Mr. Runciman: That indicates the Premier has no idea what the deficit is running at. He's—what?—five or six weeks away from presenting their new budget.

Less than two weeks ago, you and your government were tooling along down the highway of broken promises, throwing money at roadside attractions like casino hotels in Liberal ridings, when, all of a sudden, your finance minister noticed something: The gas tank was even more empty than he thought. Two billion dollars short? No, more like \$6 billion. According to your finance minister, in a Canadian Press article, that is why you need \$5 billion from the federal government.

This year, you've received record revenues from the LCBO, an extra \$825 million from Ottawa for health care, \$1.6 billion from your new health tax. Despite all that extra cash, the deficit is somehow going to be triple what you said it would be. Premier, will you finally admit that your fed-bashing call for an arbitrary \$5 billion is a political smokescreen to cover up your own mismanagement and lay the groundwork for future tax increases?

Hon. Mr. McGuinty: I want to thank the member once again for his support for our resolution, which is to convey to the federal government that it's important they acknowledge that we have a real issue here. It is a \$23-billion gap. That is not the beginning and the end of our financial challenges in this province, of course. This former government contributed to our challenges as well when they saddled us all with that multi-billion dollar deficit. But yes, the \$23-billion gap is a real issue. I once again take the opportunity to thank the member opposite for his support in our collective efforts to get the federal government to acknowledge the existence of this very real issue.

1430

Mr. Runciman: The Premier doesn't know the current deficit, and he continues to refuse to respond directly to questions. Premier, this is about the promises you made and the decisions you've made and the lack of leadership you've shown.

Let's examine where we're at at the moment. You made 231 promises two years ago, including the biggest of all, that you could hike spending and not increase taxes and still balance the budget. Just two weeks ago, the light suddenly came on in your belfry and you realized all sorts of things: that there is a fiscal imbalance, one that has been around for years but you never saw before; that your spending threatens to triple your forecast deficit; and that you will be hard pressed to ever balance the budget, despite breaking your promise on tax hikes and despite increased revenues across the board.

Premier, a few weeks ago, you ruled out again raising taxes in your upcoming budget. Several days later, the finance minister was less definitive. Are you still committed to not raising taxes in your upcoming provincial budget?

Hon. Mr. McGuinty: Yes.

The Speaker (Hon. Alvin Curling): New question.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Tim Hudak (Erie-Lincoln): Back to the Premier, who is making more promises I don't think he'll keep. Yesterday's federal budget was your last hope for bailout money to save Ontario from a big Dalton McGuinty deficit this spring. You said you were going to take on Paul Martin, you said you were going to flex your muscles, but after all that posing, you were left empty-handed on the stage. Obviously, they didn't take you seriously. You're all bark and no bite. In fact, you've quickly become the Scrappy-Doo of Ontario politics. Just how much trouble has your lack of a plan and your lack of leadership caused Ontario taxpayers? Just how big is that provincial deficit going to be?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I gather from the member opposite's question that we should just give up; we've just raised the issue over the course of the past two or three weeks, but now we should abandon this matter.

Interjection.

The Speaker (Hon. Alvin Curling): Member from Renfrew-Nipissing-Pembroke, will you come to order, please? Premier.

Hon. Mr. McGuinty: We think that we owe more than just that to the people of Ontario. As I've indicated before, we think we owe more than just that to the people of Canada. We think we have a real and pressing issue. It is the matter of this \$23-billion gap, the difference between how much we send to the federal government and how much they return to us by way of services or transfer payments of one kind or another. We're not asking that we eliminate the gap in its entirety; we're simply saying that we should be able to keep more of our own money so we can make investments in things like health care, colleges and universities, and roads and bridges so that we can further strengthen this economy, something that will benefit both Ontarians and the country as a whole. I invite the member opposite to join me and Ontarians in continuing to press this case before the federal government.

The Speaker: Supplementary?

Mr. Ted Chudleigh (Halton): Premier, yesterday Ottawa didn't hear you. After yesterday's federal budget, you've been further isolated as a political leader with a thirst for higher taxes. What we want to know is, who will you blame for your failure next? You've tried blaming former governments, even though on October 23, 2003, you said you wouldn't do that. You've blamed former governments; you've blamed the federal government; you've blamed other provinces. Who's left? Who are you going to blame next?

You've been sitting there for 16 months now and you still don't get it. You are the Premier of Ontario. That makes you accountable for the decisions and actions of the government of Ontario. That makes you accountable for your \$6-billion deficit. Stop the blame game. Now that your federal cousins have turned you down, will you

tell Ontarians what is your plan for your \$6-billion deficit?

Hon. Mr. McGuinty: My friends opposite are going to have to take a side on this. They've got to decide whether they think it's fair that an immigrant arriving in Quebec gets \$3,800 from the federal government, but one landing in Toronto gets \$800. If they think that's fair, then they should say so. If they think it's fair that we go without \$1.3 billion by way of employment insurance payments, which we should receive if we were treated the same as the other provinces—

Interjections.

The Speaker: Order. Member from Halton, you did put a question, and the Premier would like to respond. Premier?

Hon. Mr. McGuinty: I'm going to recommend to my friend opposite that he speak with his constituents about this matter of the \$23-billion gap and that he acquaint them with some of the basic facts. I think there's a matter of fundamental unfairness here. I think that he and his colleagues should join Ontarians so that together we can make a strong case before the federal government.

The Speaker: Final supplementary?

Mr. Hudak: The Premier asks us to help him. Premier, we'd like to help you, but you just can't seem to help.

Let me tell you the problem. For the first 16 months, you could not do enough to placate your federal cousins in Ottawa, and at the first ministers' conference, you practically acted as head waiter to the Prime Minister and his cabinet. In your first few months, you took a SARS deal that was bad news for Ontario taxpayers. You got taken, and you did cartwheels down the hallway in celebration. Your lack of credibility makes you bargain from a position of extreme weakness. We'd like to help you, but you can't help yourself.

Premier, point the finger squarely at your own chest, for a change, and tell us: bigger taxes, a bigger deficit or a combination of both; what can Ontarians depend on from your lack of leadership?

Hon. Mr. McGuinty: My Conservative colleagues have to ask themselves, are they with the people of Ontario or against the people of Ontario? We're with the people of Ontario. Also, we are proud to say that we can do it in a way that demonstrates that as Ontarians we can both walk and chew gum at the same time. We can stand up for our province, and where it serves the interests of Ontarians, we can join with our federal cousins in a way that strengthens this country. As Ontarians, we can walk and chew gum at the same time. What the people of Ontario want to know is, is this party with the people of Ontario when it comes to this issue, or do they stand with the federal government on this issue?

The Speaker: New question.

Mr. Howard Hampton (Kenora-Rainy River): My question is—

Interjections.

The Speaker: The leader of the third party hasn't started his question yet.

Mr. Hampton: Premier, I sent a document over to you. You might recognize it. It's called Affordable, Responsible Change. It's the McGuinty financial plan. This is where you outlined how you'd pay for your promises: better schools, improved health care and a competitive workforce. Can you point out where in your plan it says that you will need a \$5-billion bailout from Ottawa to pay for your promises?

Hon. Mr. McGuinty: I guess Ontarians will have the same question regarding the NDP as they do regarding the Conservatives; that is, where does the NDP stand on this particular issue? I thought they were onside, because they voted in favour of the resolution. We had unanimous support for that resolution, which requested that the federal government, at a minimum, recognize that we have a real issue, a \$23-billion issue.

The former leader of the NDP, former Premier Bob Rae, is onside. He said we should continue to press our case against the federal government. He said we should seek dollars to invest in our colleges and our universities. He says there is a basic unfairness at play when virtually every other province and territory has a higher level of funding for its colleges and universities than we do here in Ontario. Of course, it is our money that funds that level of funding. I thought this member would be with the people of Ontario and his former leader.

1440

Mr. Hampton: I beg to inform the Premier that it's not about Bob Rae; it's about your plan. I want to turn to page 4 of your plan, the part that's entitled, "How we will pay for it." It says, "Cancelling Tory tax giveaways and eliminating Tory waste." Nowhere does it mention that you need a \$5-billion bailout from Ottawa to keep your promises.

Today, after flexing your muscles, there's no federal bailout. There's no one to rescue you from the fiscal problem you created by promising better public services, on one hand, and Louisiana-style taxes on the other.

The question is, what's your plan? There's no bailout from Ottawa. There was no plan for a bailout from Ottawa in your fiscal plan. What is your plan now?

Hon. Mr. McGuinty: If the member is so intent on making his contribution to helping us address our financial challenges in this province, then I ask him, on behalf of the good people of Ontario, why he voted against our plan to cut corporate tax cuts. Why is it that he said he would not support us when it came to eliminating the private school credit? Those two measures alone generated billions of dollars of additional revenues for the province of Ontario. If he's so determined to help us address Ontario's financial challenges, then why did he stand for corporate tax cuts and a private school tax credit?

Mr. Hampton: What I stand up and vote for is that you should act according to your plan.

Interjections.

The Speaker: Order. I'm having difficulty hearing the leader of the third party. I'm going to ask the member from Eglinton-Lawrence to come to order, please.

Minister for Public Infrastructure Renewal, please come to order. I'm hearing too much shouting across the floor.

Mr. Hampton: I want to read, from your plan, the part you signed. It's a letter from you: "Our plan holds the line on taxes, ensures balanced budgets, enhances essential public services and sets money aside for a rainy day." Then you say, "A leading forensic accountant spent more than 70 hours reviewing our spending commitments. He validated the accuracy of our estimates. We submitted our numbers to two different senior economists, each working independently. They analyzed the impact of our planned investments and revenue projections." That's signed by Dalton McGuinty.

The Speaker: Question?

Mr. Hampton: Premier, your plan doesn't mention a \$5-billion bailout from the federal government. I ask you, now that the federal government has said you don't have any credibility, now that the federal government has said you are really blowing smoke, what's your plan to fulfill the promises you made?

Hon. Mr. McGuinty: The leader of the NDP has thrown in the towel: I guess there is nothing more we can do; we'll just have to buckle down and allow the federal government to do as it pleases.

Maybe that's the kind of leadership he brings to his party, but that's not the kind of leadership our government is bringing on behalf of the good people of Ontario. We will stand up for the interests of Ontarians. There is a real and pressing issue before all of us. It is the matter of this \$23-billion gap. We find ourselves in a position where we are not able to make essential investments in our colleges, universities, health care and infrastructure.

We're not asking that we eliminate the gap. What we're saying is that we should be able to narrow it so we can retain more of our own money and make the kinds of investments that benefit not only Ontarians but Canadians.

The Speaker: New question.

Mr. Hampton: A question to the Premier: Your problem is that you don't have any credibility. When other Premiers raised this issue, this is what your Minister of Finance said: "What always struck me as really unconscionable is for Ontario to be complaining that other governments in Canada were getting more and that Ontario wasn't getting its fair share." That's what your Minister of Finance said.

Just six months ago, you were telling us how wonderful Prime Minister Paul Martin was to Ontario, how he was giving Ontario \$2 billion for health care.

Premier, how can you be taken as credible when every one of your front-benchers, including yourself, has heaped scorn on anyone who has mentioned the fiscal gap before in the last 15 years?

Hon. Mr. McGuinty: Try as he might, the leader of the NDP can't hide it: He is with us on this one. I am convinced of that. He can't hide it. He cannot possibly justify \$3,800 for an immigrant in Quebec and \$800 for an immigrant in Toronto. He can't do that. I know he is

with us on that. He can't possibly justify, in support of the federal government, that although we receive 54% of the nation's immigrants, we only get 34% of the funding. He cannot possibly justify that. I know that deep down Mr. Hampton, the leader of the NDP, stands arm in arm with our government when it comes to pressing our case, the matter of the \$23-billion gap, before the federal government.

Mr. Hampton: Once again, Premier, this is about your credibility. This is, again, what your Minister of Finance said: "I was appalled and embarrassed that ... any Premier in Ontario could whine and whimper about not getting more from the national government." I quote again: "This business of seeking to blame others is the thing that is destroying us in Ontario, and we really have to stop it."

This is what all the members of your front bench—the Minister of Health, the Minister of Finance, the Minister of Energy, the Minister of Tourism and you yourself—have been saying, Premier. How do you expect that Paul Martin is going to give you any credibility when for the last 15 years you have been scorning and criticizing anyone who raised the issue of a fiscal gap for Ontario?

Hon. Mr. McGuinty: Again I say to the member opposite that he cannot hide the fact that he is supporting us on this. Back in 1992, the leader of the NDP, then Attorney General, said to reporters, "The real problem is that revenues from the federal government have not kept pace with needs." This merely serves to confirm that in his heart of hearts, Mr. Hampton stands arm in arm with our government as we continue to press our case before the federal government.

Mr. Hampton: Once again, Premier, people like myself have recognized this issue for over 13 or 14 years, while you were scorning everyone and criticizing everyone who raised the issue.

The question is really twofold. How do you expect anyone in Ottawa to take you seriously when you didn't have one second for anyone who raised the fiscal gap issue until about two weeks ago? How do you expect Paul Martin to take you seriously when he can read quote after quote where you and every member of your cabinet have criticized anyone who raised the issue of a fiscal gap in the past? How do you expect anyone to take you seriously when you were praising Paul Martin just three or four months ago, saying he was enlightened, saying he had put medicare on a sustainable course for the next generation, saying he had given Ontario \$2 billion more for health care?

Premier, where is your credibility? More importantly for Ontarians, where is your plan to keep your promises after Paul Martin told you to drop dead?

Hon. Mr. McGuinty: I am pleased once again to acknowledge the support of the member opposite. I know he doesn't want to admit that publicly, but he does in fact stand with us, because I know, in addition to the facts that I just referenced regarding the discrepancies in funding for immigration, that he does not support the fact that if Ontario were treated the same as the other

provinces, we would receive \$1.3 billion more on an annual basis for employment insurance. If we were treated the same as the other provinces when it came to the Canada health transfer and the Canada social transfer, we would receive another billion dollars on an annual basis that we could invest in our colleges, our universities, our health care and our other social programs. I know that the member opposite supports us in this, and that together we will continue to make the case before the federal government.

1450

MUNICIPAL FINANCES

Mr. Tim Hudak (Erie—Lincoln): Back to the Premier. Premier, yesterday, with your tail between your legs, you went to the ROMA conference and declared that Monday's misguided announcement by the Ministry of Municipal Affairs was null and void. Don't get me wrong; we're happy that you've backed down again. The problem is that you've created great confusion with municipalities across the province. Premier, will you pay the reconciliation bills for the municipalities for the year 2004?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Municipal Affairs.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member for the question, because it gives me another opportunity to talk about the great conference that ROMA and the Good Roads people had here. It was so great to see 1,200 municipal leaders in our province get together to talk about the issues of the day.

Let me just make it clear. What was said yesterday was that the 2003 reconciliation would be done and that we would certainly take a look at any subsequent reconciliation or any outstanding bills that may be owing to municipalities as well.

We are extremely proud of the relationship that we have built up with our municipalities, and we look forward to working with them in partnership for many, many years to come, for the benefit of Ontario and, more importantly, for the benefit of the people of Ontario.

Mr. Hudak: While the minister may claim that he has respect for the municipalities, he certainly hasn't displayed it in his legislation, over and over again in bill after bill after bill, pulling more and more powers to your office or to the Office of the Premier—more and more of "Dalton knows best" overriding decisions of municipalities. The minister knows that to be true.

If you were truly a man of your word and respect municipalities of the province, you would say today, here and now, whether you're going to pay the reconciliation bills for 2004. Yes or no? Show your respect for municipalities and answer that simple question.

Hon. Mr. Gerretsen: It's passing strange that here we have a member who was a member of the former government that, with the downloading, probably did

more to destroy the municipalities of Ontario and the good work being done there on behalf of the people of Ontario than any government in the history of this province. We have been working diligently over the last 15 months to correct that imbalance, to correct that poor relationship that they built up, so we can once again provide the best services to the people of Ontario collectively through our provincial services and through municipal services.

We will be looking at it again, and the municipalities will be advised accordingly.

HEALTH RECORDS

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Health. Minister, I wanted to ask you about the confidential patient records that were stolen in Hamilton a couple of days ago. The Hamilton Spectator had a front-page story that exposed a very serious breach of confidentiality within your ministry. Niagara patients had their records stolen, and those records reveal communicable disease results from tests, including everything from HIV/AIDS to mumps to STDs.

What I'm wondering is, what kind of shop are you running? This breach, this careless handling of this information has meant that people have had their private information left around somewhere in our community. What do you say to the people whose tests have been stolen? What do you say to those people who are anxiously waiting to find out what's happening? Can I just get you to tell me exactly how many test results have gone missing? Do you know?

Hon. George Smitherman (Minister of Health and Long-Term Care): If the honourable member wants to ask a good question, a good question would at least in some sense stick to the reality of the circumstance. You think it's a careless act that someone broke into a vehicle and stole things from it, that this is a sign of carelessness on the part of the ministry in some fashion?

We take this situation very seriously indeed. We're working closely with public health officials in Hamilton, with the Information and Privacy Commissioner, and using the legislation, the Personal Health Information Privacy Act that was passed by this Legislature, to move as promptly as we can, keeping in mind the necessity of being careful to make sure that any information we're communicating with individuals is accurate. This requires a trace back. Our capacity to do so is enhanced. But we're dealing with a fair bit of information, and we will work to apprise people of the appropriate information once we've ascertained that circumstance. We're doing this in a collaborative fashion, with prudence in mind and protection of information—

The Speaker (Hon. Alvin Curling): Supplementary?

Ms. Horwath: Quite frankly, it sounds like the proper protocols aren't in place to deal with this kind of situation. Really what has happened is that these records were stolen from a van, apparently. Why were those

records even left sitting in a van to be stolen? So there is a problem with regard to the protocols for the protection of sensitive information.

I want to find out for sure, I want to be really clear, and I want to know, what are you going to do about the fact that people have their names, personal information and addresses and their health card numbers out there that are now vulnerable to personal identity theft and fraud? The bottom line is that it doesn't seem like this issue is being taken very seriously at all. There's no tracking system in place that I can figure out and, if there is, it certainly isn't expeditious enough to get this issue dealt with in a way that makes my community feel comfortable that it's being appropriately handled. It's a mess right now. How could you let this happen and what is the exact plan to make it not happen again?

Hon. Mr. Smitherman: The member in her question likes to talk about making her community feel secure and spends all of her time contributing to a sense of insecurity. She likes to suggest that using an insured courier service for the purposes of the collection of information like that and specimens is an inadequate procedure. The unfortunate reality is that a piece of human nature in an area meant that someone broke into a vehicle and stole the information. There's a significant amount of information, and before we go running around willy-nilly and calling people before we've confirmed the exact information flow, we're going to make sure we're dealing with each of these on an appropriate basis.

This is important information and we're working with public health officials and the Information and Privacy Commissioner to ensure that any person we're in communication with knows the exact circumstance related to their personal information. We're dealing with this as a priority and we're working with all of the appropriate partners to do so. I send a message to those people who have had their information stolen out of a vehicle: We're working very hard to make sure we deal with this in the most appropriate way, which is timely and efficiently and well.

IMMIGRATION POLICY

Mr. Tony Ruprecht (Davenport): I have a question for the Minister of Citizenship and Immigration. Minister, you know that I represent the riding of Davenport, and it has a very high concentration of immigrants and newcomers who want to go to school and who want jobs. In short, they want to integrate and be productive in Canada's society. I know that you, as minister, are trying to do the best you can with the monies allocated to you because you realize that the quicker they integrate, the quicker they are productive in society.

But yesterday I was really shocked and outraged at what happened federally. I must tell you that the government refused to contribute its fair share in providing funding to immigrants. We know and you know as well that Ontario is the golden goose for Canada. But yesterday I realized that they're beginning to wring our necks

and they're not feeding us. Could you please tell us why this federal government is failing new immigrants and newcomers?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'd like to thank the member for Davenport for his passion in this area over the years and for his support for new Canadians over the years. He's done a tremendous job in this Legislature.

Yesterday's federal budget did indeed fall far short of its responsibilities to new Canadians in Ontario. We have been negotiating in good faith, but we have received \$800 per immigrant while Quebec receives \$3,800 per immigrant. Yesterday's budget will increase Ontario's allocation by simply \$100. We will still be far short of what we need to integrate new Canadians in Ontario. This does nothing to bridge the \$23-billion gap that Ontario gives more than it receives from Ottawa. Sadly, the reality is that the budget did not address this gap, and we will continue to work with the federal government in good faith to address this gap.

1500

Mr. Ruprecht: As you went through the numbers, I realized how quickly the federal government has forgotten the tremendous contribution ethnocultural Canadians and newcomers have made to hold this country together. If it hadn't have been for them, today we would not have a country left.

Yesterday, it was abundantly clear that the federal government shirks its responsibility. It doesn't care about Ontario immigrants. I know that, for the people in my riding, what is needed is an immigration agreement between this government and the federal government that will deliver what's fair for Ontario. Consequently, we remain the only province in the country without an immigration agreement. That is a shame, that the federal government is not recognizing the importance of Ontario's immigrants on our national economy.

Could you please update us on how yesterday's federal budget will affect the status of these negotiations regarding a Canada-Ontario immigration agreement?

Hon. Mrs. Bountrogianni: Unlike former governments, we won't give up and leave the table. We will be there strongly and aggressively negotiating a contract with the federal government. We receive the majority of immigrants in Ontario, and large cities like Toronto receive the majority of those immigrants. Mayor Miller and I and the other mayors of Ontario have met with the federal ministers. I've met with three federal ministers of immigration up until this point, and they all agree that Ontario's economic engine depends on immigration. We will continue to negotiate in good faith very aggressively so that Ontario can get its fair share.

Interjections.

The Speaker (Hon. Alvin Curling): The member from Burlington and the member from Trinity-Spadina, will you come order, please.

Minister.

Hon. Mrs. Bountrogianni: I have struck a chord there, Mr. Speaker. We won't take our toys and go home like little children, as the former government did. We will continue to negotiate aggressively with the federal government for a fair deal for Ontario.

GAMBLING

Mr. Ted Arnott (Waterloo-Wellington): In the absence of the Minister of Economic Development and Trade, I have a question for the Premier. Last week, the Minister of Economic Development and Trade announced that the province will waste \$400 million to entice more people to gamble at the Windsor casino, even though we know that almost 5% of Ontario's residents are addicted to gambling and that this will make their problems even worse.

This particular minister apparently wants to expand gambling in Ontario, and he made his announcement the day before the House resumed sitting, sidestepping the scrutiny of the Legislature at a time when the government is starving hospitals of the funding they need to serve patients, and just before the Premier went, hat in hand, crying poor to the federal government.

Will the Premier please explain the government's priorities? Why does the Windsor casino deserve that \$400 million more than Ontario's hospitals?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know that the member understands that sometimes you have to invest money in order to generate more money. The Ontario Lottery and Gaming Corp. generates \$2.1 billion on an annual basis. We are using those monies to enhance the quality of education, health care and other social services that we provide to all Ontarians.

More than that, if we compare and contrast our record against that government's record, we are investing, at the same time, more in health care, more in education and more through the OLGC into expansion of conventions, for example. We're doing both at the same time. But when that member served in that former government, at the time that they invested to expand gambling in Ontario, they were also cutting investments in health care.

Mr. Arnott: In recent days, I've talked to scores of people on the main streets of communities like Arthur, Mount Forest, Hillsburgh and throughout Waterloo-Wellington. They think the Liberals have their priorities backwards, and they're right.

The Premier should know that I tabled Bill 95 on June 9, some eight months ago. If passed, this bill would put a complete moratorium on the expansion of gambling until a public inquiry is held to study the negative social impacts of excessive gambling. My bill is supported by the president of the Canada Safety Council, Émile Thérien, who sent his written endorsement to the Premier last month. This month, the Right Reverend Colin R. Johnson, bishop of Toronto for the Anglican Church of

Canada, wrote to the government in support of Bill 95 as well.

Will the Premier please inform the House of the government's position on Bill 95, and at the very least, will he assure us that the next time the government makes an announcement to expand gambling in the province, they'll have the courage to make in this Legislature?

Hon. Mr. McGuinty: Just so Ontarians and the member opposite are clear as to what we have done in contrast to what the former governments did, when the NDP first introduced gaming to Ontario, they cut from hospitals \$268 million in 1994, when Casino Windsor first started. There was an expansion of gaming under the Tories that happened at the same time as they cut spending. In fact, they cut \$557 million from hospitals in two years: 1996-97 and 1997-98. We are investing billions more in health care and education at the same time that we are investing, through the OLGC, to ensure that we can generate more returns to put those again into health care and education. We are doing both at the same time.

HOSPITAL FUNDING

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Health. One year ago today, the exact date today, at the Economic Club of Toronto, you told Ontarians that your government would take action to put hospitals on a sound financial footing by covering the \$721 million in hospital cash pressures that had accumulated over the years due to hospital underfunding. In particular, you stated that "our government recognizes that hospitals are also sitting on \$721 million in cash pressures, accumulated over the past few years. Quite frankly, I am amazed that this had been allowed to go on for as long as it has."

One year later, it's not \$721 million; it's over \$1 billion, because \$300 million has been added to that pressure. Worse still, next year we expect that that will more than double. Mr. Minister, my question is, do you have a plan, and when will you address the serious financial problem that is destabilizing hospitals and their health care workers and hindering their ability to provide patient care?

Hon. George Smitherman (Minister of Health and Long-Term Care): The honourable member will know that our plan is being advanced, in large measure, on the \$1.7-billion investment that we've made in hospitals since taking office 16 or 17 months ago. Part and parcel of that is working with hospitals on balanced budget plans, which will see each of them come in balance by the end of fiscal year 2005-06. The reality is that we're at a point where more than half of Ontario's hospitals are in a circumstance that allows them a more stable foundation for moving forward. The member will also know from his work around here on financial matters that issues of the consolidated books of government and the impact from funding partners are something that this Legislature will have a chance to consider over the period of the next

few years. So I think that these things taken together do represent the very, very clear point, which is that we're working very hard to have all of our hospitals in balance by the end of fiscal 2005-06.

Mr. Prue: I'm not sure what the answer was, so I'm going to try it from a different angle. Mr. Minister, you know that hospitals are under tremendous cash pressure. Most hospitals have had to borrow hundreds of millions of dollars at the banks to make ends meet. They're paying very high rates of interest, and they are unable to balance their books—albeit some may be; most are not. Those hospitals, according to your own estimate on January 17, have had to lay off 757 nurses this year alone, and that's the reason you gave.

What guarantee can you give this House today that the 2005 Ontario budget will restore the financial health of hospitals by covering the full accumulated shortfall that hospitals have had to incur due to chronic underfunding of patient care services? Secondly, will you live up to your campaign promise to provide hospitals with adequate multi-funding to the end of this term?

Hon. Mr. Smitherman: I think that the honourable member, who has a hospital in his riding called Toronto East General, instead of talking in general terms about the plight of Ontario hospitals, might celebrate the fact that his hospital, in addition to receiving \$19 million in additional funding from our government, is a hospital that has a long history of being in balance. Further, this is part of an incredible \$345-million investment that our government has made in central Toronto health services alone since we came to office. This is especially astonishing, coming from an honourable member who's part of a party that, in their time in government, actually cut hospital funding by a quarter of a billion dollars.

He wants to talk about stable funding. Here's the promise that we hold: It is that we get our hospitals in stable operating position by the end of 2005-06. This is the number one priority as it relates to hospitals, and we're well on our way toward getting that done.

1510

SEXUAL ASSAULT CRISIS CENTRES
CENTRES D'AIDE POUR VICTIMES
D'AGRESSION SEXUELLE

The Speaker (Hon. Alvin Curling): New question. The member from Hamilton East.

Ms. Judy Marsales (Hamilton West): Hamilton West, but thank you, Mr. Speaker.

My question is directed to the Minister of Community and Social Services and minister responsible for women's issues. Minister Papatello, research shows that more than one third of women in Canada have experienced what is legally recognized to be sexual assault, and that young women under 25 are at the highest risk. It also shows that 80% of sexual assaults occur in the home. Sexual violence can devastate the lives of those it touches. Sexual assault against women is a serious crime,

and victims have a right to receive timely and sensitive treatment, as well as the support of their communities.

The Sexual Assault Centre for Hamilton and area and le Centre des femmes de Hamilton are in my riding of Hamilton West. These centres provide a critical community service for those women who experience this despicable abuse. Services that they provide include 24-hour crisis lines, supportive counselling, referrals to other community services, as well as court, police station and hospital accompaniment.

Today, Minister, you made an announcement that will finally see an increase in the funding to these essential services. Can you please tell the House what these sexual assault centres will see as a result of this morning's announcement?

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): Let me begin by thanking the member from Hamilton West. This is a woman who is a super representative on all issues, but especially on women's issues. She has been a strong advocate for women in Hamilton, matched and rivalled only by our Minister of Children and Youth Services.

Today, Madeleine Meilleur, the minister for francophone affairs, and I had a wonderful opportunity to make a super announcement. This is a \$1.9-million enhancement to the sexual assault crisis centres in 36 centres across Ontario. It was a proud moment for us. These crisis centres have not seen a dime in the last 12 years, and we are proud to be part of a McGuinty government that is there to support women when they need support the most.

Ms. Marsales: Thank you, Minister Papatello. My supplementary actually is to Minister Meilleur, because I understand that you were not alone this morning for this announcement. The Honourable Madeleine Meilleur was there with some good news for Ontario's francophone communities.

Unfortunately, sexual assault touches all of Ontario's diverse communities. In the past, there has been a gap in funding for French-language services. This is simply unacceptable, and I'm proud that our government is taking the necessary steps to close this gap. Minister Meilleur, can you please share with this House how you are ensuring that the sexual assault centres in French-speaking communities and the important services that they provide for victims of assault in those communities are fairly treated?

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): Our government has made a firm commitment to improving access to French-language crisis intervention services through the implementation of the domestic violence action plan. Francophone sexual assault centres have been chronically underfunded.

Aujourd'hui, le gouvernement McGuinty a annoncé un montant de 1 \$ million du fonds des victimes de violence contre les femmes, du ministère du Procureur général, à la lutte contre la violence en milieu franco-

phone. Ce montant est divisé en deux parties : 500 000 \$ seront consacrés aux centres francophones pour atteindre un financement équitable en français, et un autre montant de 500 000 \$ aidera à combler les écarts qu'ils subissent dans les services offerts entre les centres francophones et anglophones de l'Ontario. Cette somme permet d'atteindre la parité du financement pour les centres francophone d'aide aux victimes d'agression sexuelle.

VETERANS' HOSPITAL CARE

Mr. Toby Barrett (Haldimand-Norfolk-Brant): To the Minister of Health: As a minister known to declare war, I question your respect for those who have gone to battle on our behalf.

Last week, the *Burford Times* printed an open letter from Helen Vanderlands of Harley. She reports that three young ladies from Holland training in Ontario hospitals told her, "The school children in the Netherlands take better care of the graves of the soldiers who gave their lives for this country than the government does to look after the wounded veterans."

Last month we asked for a full investigation into the death of a Canadian war vet in one of our province's veterans' hospitals. Minister, have you done this? Have you taken any action?

Hon. George Smitherman (Minister of Health and Long-Term Care): I've taken action, and the action is ongoing. I had an opportunity about a few weeks ago, and I will have another opportunity in a week or two, to meet with representatives from the Royal Canadian Legion who are concerned and who have expressed their concerns, not only to the government of Ontario, but also to the Department of Veterans Affairs because they have some significant responsibility around the care of veterans who are in our health care system. So we're working very co-operatively with the Royal Canadian Legion, which we feel is the appropriate step to take given their obvious capacities for advocacy on behalf of those.

I found the lead-in to your question rather offensive, I must say. The obvious reality is that my family, and I assume yours as well, sir, have people in it who fought and gave their lives, and in some cases their health, for our country. The freedoms they fought for are freedoms I celebrate every single day, and I'll put my record up against that of the honourable member in terms of working on behalf of those veterans.

Mr. Barrett: I agree that declaring war in this venue is confrontational, and I regret you did that toward my farmers.

We realize Ottawa is taking some action—you have some ongoing meetings or some meetings in the future—but I'm asking, when can we expect some action?

The letter I made reference to, Minister, I read to a meeting of the Army, Navy and Air Force Veterans, Ontario command, last weekend. One veteran grabbed the mike to demand, "I want something done about this immediately." Those are his words.

I appreciate that you and your staff are having some meetings. Veterans' hospitals are regulated by the Ontario Public Hospitals Act. Enforcing standards in these hospitals should be a provincial matter. I feel our veterans are being forgotten. Minister, when are you going to conduct a full investigation and take some action beyond some meetings or future meetings or ongoing meetings?

Hon. Mr. Smitherman: The strategy that is being developed is being developed hand in hand with the Royal Canadian Legion. The member, in his actual question, offers misinformation with respect to the administration of these facilities. It's not quite so clear as that. The federal government also has a role to play. If you look, as an example, at Sunnybrook, it's a long-term-care home operating as part of a public hospital, and the federal government clearly has a responsibility there.

I have a telephone call coming up this week with the federal minister. I have a subsequent meeting coming with the Royal Canadian Legion, and I think that if you speak to the legion, you'll hear first-hand from them that the way we left the meeting was that we were working toward the next meeting, with a view toward having a strategy that we would develop together. I was deferential to them, because their obvious capacity to advocate on behalf of these veterans and their knowledge of the system as it exists now are going to be very beneficial as we move forward together. We'll be doing that with the Royal Canadian Legion on behalf of these veterans. I believe that's the prudent action.

AUTISM

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Children and Youth Services. There is a continuing crisis in Ontario that affects hundreds of families whose children are struggling with autism. As you know and as you have stated, autism is on the rise in this province, and yet your government has chosen to do nothing. You and I both know that the waiting list for provincially funded IBI treatment exceeds 1,200 children. Only 500 children are currently receiving treatment. Families whose children are not moving up your waiting list for publicly funded, necessary treatment have been forced to do many things, including mortgaging their homes, for private care.

Today in the House, we host my constituent Michelle Quance and her four-and-a-half-year-old daughter Tennyson. Tennyson was diagnosed with autism last year. Minister, Mrs. Quance wants to know today if your ministry will provide her child with the treatment she needs before she turns six years old and is no longer eligible. Will you assure this family today, and the 1,200 others on the waiting list, that there is hope they will get the IBI treatment they desperately need?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for his question. I welcome the family to the Legislature, and the

young girl as well. This is a major challenge for our government. I admit that. You are wrong in one of your statistics. It was 1,200 on the waiting list, and we have decreased that waiting list to 800. I know even one child waiting on a wait list is too long, but we moving aggressively, I'd like to say to the honourable member, on reducing the wait list. We added \$10 million for supports for children under six so they can receive the IBI treatment they need and deserve. We've put in \$30 million for a school-based program so when the little one in the gallery is ready to go to school, she will have support throughout her school education. That's what was lacking in the system as well, as far as what the specialists were telling us.

1520

I thank the honourable member for his concern. I welcome the family and I give them my support for their journey ahead. I have worked with families in the past that have children with autism. They're beautiful, but there are challenges, I understand. I want to reassure the family that our government is working very aggressively to reduce the waiting list.

Mr. Prue: Your own Premier has so passionately stated many times that these waiting lists are alarming and unacceptable. Those are his words, not mine. When are you going to step up and do the right thing for autistic children and their families? The Quances have already mortgaged their home and their future. The community has held fundraisers to help provide IBI treatment for Tennyson and our local community newspaper continues to document your inaction. This family and many others need your commitment today. Share your plan for the expansion of IBI treatment with this House today, before it's too late for Tennyson and the 800 others you now tell us are on the list.

Hon. Mrs. Bountrogianni: Again, I thank the honourable member for giving me this particular case, and I would like you to bring this case to my office's attention as well. If the little one, Tennyson, is under six, she should be getting IBI therapy, and we will look into it.

On the provincial front, we are working very hard. As well, we'll be evaluating our program. We had a chair with my colleague from the Ministry of Training, Colleges and Universities to find out why there is such an increase of autism in Canada and the world and what better treatments we can have for children. We also agree with the Ontario Human Rights Commission that once a child is six and is ready to go to school, IBI is not appropriate for the education system. It's appropriate for a clinic setting—

Mr. Cameron Jackson (Burlington): That's not what they said.

Hon. Mrs. Bountrogianni: That's exactly what they said and that is why we are investing \$30 million for our school-based program.

DETOX CENTRES

Mrs. Donna H. Cansfield (Etobicoke Centre): My question is for the Minister of Health. Withdrawal management services, actually known as detox centres, are across this province. They're a place for people who are struggling with drug and alcohol addiction as sort of a first-step opportunity for them to get some support. What's happened over the years is they were virtually abandoned by the two previous governments and they're suffering some very serious financial concerns. As a matter of fact, some of them are actually going to close for a short period of time, stop their services, in order to try to deal with this financial crunch. So I'm asking the minister if there is anything that he can do to help these folks out, because it is a serious problem in our society.

Hon. George Smitherman (Minister of Health and Long-Term Care): I would say that the member has hit the nail on the head with respect to the important role that these withdrawal management services or detox centres play, especially as a front line in terms of trying to assist people with addictions to deal with challenges they are forced to confront. It's true to say that over a period of time, these detox centres have had some very serious funding challenges, which has resulted in the need for an investment on the part of our government. I'm very pleased to say that tomorrow our government will be investing slightly more than \$2 million to shore up the capacities of our detox centres, to make sure they're able to operate on a year-round basis rather than with threatened closures. It's a first step in terms of working toward their stability, but I think it does represent an important step on our government's part to make sure that this key piece of the addictions puzzle is dealt with and that people have access to these front-line services.

Mrs. Cansfield: Obviously, the best would be if we didn't need them in the first place, to be honest with you. So what is it we can also do in terms of prevention around the issue of substance abuse, and is there anything that the minister has planned?

Hon. Mr. Smitherman: I think part and parcel of dealing with the challenge of addiction is having the resources available in the community to assist people with these challenges. I think we all know people in our community who have struggled with addictions and sometimes struggled with not necessarily having community-based resources to assist them. The hundreds of community-based addiction organizations across Ontario have seen but one very small base funding increase, astonishingly, since 1991 or 1992. We know that since 1997-98, they've seen a 61% increase in the demand for their services. I'm very pleased to say that tomorrow we'll be making an announcement for a further investment of approximately \$2 million to our community-based addiction treatment organizations, the second such investment in 12 long years.

ACCESS TO DRUGS

Mr. Cameron Jackson (Burlington): I have a question for the Minister of Health. Yesterday in the House, I brought to the attention of all members the plight of a constituent of mine who requires medical treatment and has applied for a section 8 through her physician. She is an ODSP recipient as well, and her discretionary income at the end of each month is less than \$60.

Minister, we were very distressed to learn, when we contacted your Ministry of Health, and the department responsible for section 8 applications for these drugs, that they were unable to provide an answer as to the status of this application. The backlog was so severe that, at this point, they were only processing applications they'd received as of November 14 of last year.

The Speaker (Hon. Alvin Curling): Question.

Mr. Jackson: Minister, are you aware of this problem, and could you please tell us what you're doing to assist my constituent and, I'm led to believe, thousands of others who are waiting for approvals for section 8 applications?

Hon. George Smitherman (Minister of Health and Long-Term Care): Since section 8s were instituted in the province of Ontario, I believe in 1995, they have grown 20-fold in terms of the number we're dealing with annually. This, of course, has created a pressure point within the ministry in terms of making sure there's a sufficient number of people to deal with these on as timely a basis as we would all wish. We're working very hard right now to allocate additional resources. In the meantime, we've constituted what I might characterize as a triage system, which does make sure that we're dealing on a priority basis with those section 8s which are particularly time-sensitive from the standpoint of patients.

I will not stand here and say that the standard we're meeting right now is an acceptable one, but I can confirm for the honourable member that I am aware of it, that we're working very hard to address it. I believe we will be able to achieve a more satisfactory benchmark as we move forward. But I can confirm, again for the honourable member that those most urgent cases are getting a very timely intervention. We can, and will, do better in terms of meeting a high standard for all of them.

Mr. Jackson: Minister, the information we're receiving is that there is a challenge in how to manage this program and that you are in the process now of trying to hire additional pharmacists who act as screeners to process the application. The problem is that everything that's come into your ministry is batched and date-sensitive, so there is no triage system. There is an effort currently under way to try and hire additional staff in order to deal with the backlog.

My concern is that my patient is being hospitalized and taking heavy doses of morphine daily in the absence of access to this medication. These are serious, health-compromising issues.

This is not a process that's able to triage until you can process. What are you doing to speed up the application, which normally takes six to eight weeks and is now on a backlog burner of five to six months?

The Speaker: Thank you.

Mr. Jackson: Could you please give us something more than a plan to implement a plan?

Hon. Mr. Smitherman: What I can confirm is what I said in the first answer, which is for clinically urgent requests we're meeting a much faster standard, approximately 72 hours. I can tell the honourable member that 70% of all the claims are being dealt with on a two-week basis, and we're working to allocate additional resources to make sure we're achieving a necessary high benchmark and standard on all of these cases.

There's a significant degree of work that is to be done, but 70% of all of the claims that are coming in are being dealt with in a two-week time frame. I can confirm for the honourable member what I said in my first answer; that is, for those clinically urgent requests, we're dealing with those in quite a timely manner.

ROYAL ASSENT

SANCTION ROYALE

The Speaker (Hon. Alvin Curling): I beg to inform the House that, in the name of Her Majesty the Queen, His Honour the Lieutenant Governor has been pleased to assent to a certain bill in his office.

The Deputy Clerk (Ms. Deborah Deller): The following is the title of the bill to which His Honour did assent:

Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

1530

PETITIONS

PHYSIOTHERAPY SERVICES

Mr. Ernie Hardeman (Oxford): I have a petition to the Legislative Assembly of Ontario, signed by a great number of people in the province of Ontario.

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and

rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I sign this on behalf of my constituents, as I agree with it.

Mr. Frank Klees (Oak Ridges): "To the Legislative Assembly of Ontario:

"Whereas seniors and other qualified patients require the continued provision of physiotherapy services through schedule 5 clinics to promote recovery from medical conditions and continued mobility and good health;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The patients of schedule 5 physiotherapy clinics request the continued support of the Legislative Assembly of Ontario for provision of OHIP-covered physiotherapy treatment to qualified seniors and others in need of these vital health care procedures."

I'm pleased to add my signature to this petition.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario.

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I have also signed this.

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I sign my name in full support.

STUDENT SAFETY

Mr. Frank Klees (Oak Ridges): "To the Legislature of Ontario:

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I'm pleased to add my signature to this petition.

PHYSIOTHERAPY SERVICES

Mr. Ernie Hardeman (Oxford): I have a petition here signed by a great number of constituents.

"To the Legislative Assembly of Ontario:

"Whereas seniors and other qualified patients require the continued provision of physiotherapy services through schedule 5 clinics to promote recovery from medical conditions and continued mobility and good health;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The patients of schedule 5 physiotherapy clinics request the continued support of the Legislative Assem-

bly of Ontario for provision of OHIP-covered physiotherapy treatment to qualified seniors and others in need of these vital health care procedures.”

I present this on their behalf.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have another petition to the Legislative Assembly of Ontario. It says:

“Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

“Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

“Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

“Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated.”

I've also signed this.

Mr. Jerry J. Ouellette (Oshawa): We continue to get a large number of these petitions. They come in on a regular basis. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

“Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

“Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

“Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated.”

I sign my name in full support.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): It's the “Save Huronia Regional Centre” petition:

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I'm pleased to sign my name to this as well.

1540

EYE EXAMINATIONS

Mr. Frank Klees (Oak Ridges): “To the Legislative Assembly of Ontario:

“Whereas the 2004 provincial budget was not clear on whether adult optometry patients who have or who are at risk for medical conditions such as diabetes, glaucoma, macular degeneration and clinically significant cataracts would continue to be covered through the Ontario health insurance plan; and

“Whereas Ontario's optometrists strongly feel that Ontario seniors, those under 20 and those with chronic sight-threatening diseases must continue to receive primary eye care services directly from Ontario's optometrists; and

“Whereas forcing patients to be referred to optometrists through their family physicians ignores the years of specialized training optometrists undertake to detect, diagnose and treat eye conditions; and

“Whereas almost 140 communities across the province have already been designated as underserved for family practitioners and the government's approach will only exacerbate the problem unnecessarily;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ministry of Health and Long-Term Care immediately clarify that the eye examination services they provide to patients at risk for medical conditions will continue to be covered by OHIP and the coverage for these services is not dependent on a patient being referred to an optometrist by a family physician.”

I'm pleased to add my signature to this petition.

PHYSIOTHERAPY SERVICES

Mr. Ernie Hardeman (Oxford): As other members have said, there is a great number of these petitions. In fact, some of them have been coming in for months.

"To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I affix my signature to the petition.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have another petition. As Jerry Ouellette said, there are many of these coming in all the time.

"To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I have also signed this.

Mr. Jerry J. Ouellette (Oshawa): Again, I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I sign my name in full support.

Mr. Frank Klees (Oak Ridges): "To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use physiotherapy services every year in the province of Ontario; and

"Whereas those who use physiotherapy services consider this an important part of their health care and rely on these services, along with the OHIP funding, in order to function; and

"Whereas the elimination or reduction of physiotherapy services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas eliminating or reducing OHIP coverage of physiotherapy services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Parliament of Ontario does not delist physiotherapy services from the Ontario health insurance plan, and that assurance is given that funding for physiotherapy services not be reduced or eliminated."

I'm pleased to sign this petition.

ORDERS OF THE DAY

SPOUSAL RELATIONSHIPS STATUTE LAW AMENDMENT ACT, 2005 LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LES UNIONS CONJUGALES

Mr Bryant moved third reading of the following bill:

Bill 171, An Act to amend various statutes in respect of spousal relationships / Projet de loi 171, Loi modifiant diverses lois en ce qui concerne les unions conjugales.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I proudly move third reading of Bill 171, An Act to amend various statutes in respect of spousal relationships.

The Speaker (Hon. Alvin Curling): Further debate?

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I'm proud to have the chance to debate a bill we have before the House that maybe not everybody is in favour of. But unfortunately, there are a lot of games being played in this House, and that's why there seem to be a lot of problems—there weren't too many petitions today.

There are a lot of people in Ontario who are against this bill, and there have been a lot of calls coming in to our office today. Hopefully there will be a recorded vote when we're done debate on third reading, because that's what the people of Ontario want. They want to know how their members are going to vote on this. It would be nice to see how the members on the Liberal side and the NDP side vote on this.

I certainly hope that when the debate—

Interjection.

Mr. Murdoch: Did you want to debate? The Minister of Health said he would like to debate, too. I'm looking forward to hearing the debate from the Minister of Health on third reading, because the minister—

Interjections.

Mr. Murdoch: Oh, and the Minister of Energy is going to debate with us too. It's really good that we're going to have some more people debate this. Is there anybody else over there who would like to debate this, or do you just want to sit back and let somebody run your lives for you?

There are two more over there, so I'm sure the debate will go on all afternoon; we've had a lot of them over there talking.

Interjection.

Mr. Murdoch: Did I hear the Minister of Health say something again? He seems to have a lot to say today. But that's fine; that's his privilege. That is what this House is about. We have the privilege to come here and debate bills and vote on them. Sometimes we even get a free vote. There are those who think a voice vote is a free vote, which it isn't. Some of us over here would like to see a vote that we get to record. That's a free vote. That's when you get to stand up and say how you vote for your constituents.

Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Why don't you stand up, and we can do that?

Mr. Murdoch: Do I hear the member from Ancaster-Dundas say he wants to debate this too? I'm sure he'll be debating here today. We'll see if you stand up when we vote on third reading. Will that member stand up and say, "I want to have a recorded vote?" Will we see that member have true democracy in this House, or do we make deals in this House and we don't have true democracy any more and people don't get a chance to vote?

1550

There's Michael Bryant shaking his head. Do you not think we should have the right to say it in a free, recorded vote? Are you telling me you don't believe that's a right we should have over here, that we should not have the right to have a free vote, to stand up and say yea or nay and be recorded? Do you not feel that's right and fair and democratic? This is a government that said they were going to change democracy, that everybody in this House would have a chance to speak out, that everybody would have a chance to vote the way they felt they should vote. But today I hear that we may not get that chance. Surely the government of the day wouldn't want it on their shoulders that, "No, we took away democracy." I don't see you shaking your head any more over there—

Hon. Mr. Bryant: I wasn't shaking my head, Bill.

Mr. Murdoch: You weren't shaking your head. That's good, then. I'm glad about that. I'm sure you're going to stand up when we want a recorded vote and help us have a recorded vote. I'm going to challenge everybody in this House: If you want free, recorded votes like this government said they did, like a lot of other governments said they would, we would have free and recorded votes in this House.

You know, somehow we do that when we sit late. Isn't it funny? When we sit late, we have a recorded vote as to whether or not we should sit late. I've stood up for that, and I've seen all the NDP members stand up for that, so I'm sure the NDP members today are going to stand up when we want a recorded vote.

Mr. Rosario Marchese (Trinity-Spadina): If you're against it, you should stand up and have a vote.

Mr. Murdoch: That's right. There we are. I'm sure Mr. Marchese will stand up and have a recorded vote when it comes. I'll be looking for you to stand up in this House when the chance comes, when there is a vote. Maybe he doesn't believe in free votes; I don't know. But I do, and that's why I was sent here. I was sent here by the people to vote, and they want to know how I vote. If this House doesn't let every member in here vote freely on this issue, then democracy is lost. If we don't have enough people on this side to stand up, then the opposition isn't right. This is why we came here. We came here to vote on bills that the government puts in, and we have the right to stand up and say yea or nay.

I'd like a drink of water, if I could have one; I have to go on for another 54 minutes. It may take me that long before I get a drink of water; I hope not.

This bill has many fundamentals, and a lot of people debated it yesterday and got their points across. Today is third reading, and I know from the opposition, some of the things they said—some from the government are going to debate it today, because they were yelling at us when we got up, so I'm sure they're going to debate. I look forward to what they have to say.

But the main thing is that when we come to vote for this is, everybody here has a chance to say yea or nay, not this voice vote, as I believe the government has it. That is not a free vote. A free vote in this House is when

you can stand up and say, "I support it" or "I don't support it."

Mr. John R. Baird (Nepean—Carleton): You're standing. Tell us what you think.

Mr. Murdoch: I've told you. I will be voting against this bill. I will debate it too, because it's my right to come here and debate. I know there are some people in our party and some in the other two parties who don't want that to happen. They don't want us to stand up here and debate this. They've put pressure on some of our guys and said, "Oh, you can't do that." They didn't even want us to put in petitions today, if you can believe that.

That's not democracy, and this government said there would be more. I haven't seen it yet. I'm sure they're working on something in the backroom to come out with some more democracy. But if today they don't give us a free vote, then I'll tell you, this is a sad day for Ontario. It will be a sad day for Ontario if I don't have the chance to stand up in here and say I'm opposed to this bill. I want to be able to vote, though, and have the vote recorded. The vote goes in Hansard and says yea or nay. I'm sure the House leader of this government—he's been fair all along—will make sure that we on this side will get that chance to have that vote, that free vote and that recorded vote. That's what counts. A recorded vote in this House is the only way people back home will know how we voted on this issue.

Again, it's a very simple request to ask to be heard and to be able to vote the way you think the people who sent you here would vote. This is what I'm asking for: only the chance to get my vote recorded. I don't think that should be a big deal in a House that's supposed to be the democracy of Ontario, but if it isn't, then I guess we're in trouble in this country.

Mr. Speaker, I'm sure you would want your vote recorded, and you may even have to step out of the chair to be able to record that vote. I'm sure the people back in Barrie will want to know how you would vote on an issue like this, and they should have that right. That's why democracy costs a lot of money: because people want the right to know how people in this House vote.

This is a good bill that the government likes. Some of us may not; even some people in the government may not want to vote for this bill. They should have the right to be able to say to the people back in their riding, "I didn't vote for that," or, "I did vote for it"—whatever they think they should do. I think there are a lot of Liberals over there who would like to vote on this, but they're not going to give them the chance, if we don't have a recorded vote. Because then your House leader and our House leader will say yea and nay, and the Speaker will say, "I think the yeas have it," and that's the end of it.

That's not democracy. If you want democracy in this House, then this is where it should start today. Today we can start with a recorded vote that lets everybody who's here today to vote have a chance to do that, or if you want a recorded vote, you can have it done on Monday, if that's what you want to do. That's fine, too. Then people can come back and vote their conscience. But if you put

this vote through without us having a recorded vote, then as far as I'm concerned, democracy is dead in Ontario, and the Liberals have let us down terribly—and some of the ones on our side also, who make some deals like this.

I'm looking forward to standing up here and saying no on this bill, which is my right. If I lose the bill, then life will go on. But it's fair that I had a chance to say no. I am demanding that we should have that right. That's why we were sent here. If we don't get that right, then, as I said before, things have really gone wrong.

I don't know whether there's anybody else in our party—but surely I didn't see everybody speak. I'm certainly willing to give up some of my time. As I say, I have 50 minutes. If I have to talk here for another 49 minutes, I'll probably have to have a few more glasses of water. I don't know if there are other people in our caucus who would like to get up and speak who didn't have a chance yesterday.

Interjection.

Mr. Murdoch: Well, you had a chance yesterday, Mr. Bisson. Oh, you're not pointing at me. Don't point if you're not pointing at me.

Interjection.

Mr. Murdoch: That's all right; you have to go up there to talk.

Mr. Gilles Bisson (Timmins—James Bay): I like you, Bill. You're a good guy.

Mr. Murdoch: I know you do, that's fine, and you have a right to vote. Don't you think I should have a right to vote?

Mr. Bisson: I think you should do anything you want.

Mr. Murdoch: You can help us have a recorded vote.

You've got the sword there; you have to get the sword.

Well, there's a member of the New Democratic Party who says we should have the right to vote. I see the minister over there nodding his head. I'm sure that they would. I know Mr. Kormos wants us to have the right to vote. He believes that is a fundamental right of this House.

I've got somebody who's sent me some speeches now. I'll have to put my glasses on to read this to you.

There may be some Liberal members who want to vote against that. Did you ever think of that? I read in the paper where all the NDP and all the Conservatives are going to vote for this. Maybe that wasn't right—there was no one in the paper who said that—but that was in our paper. It said that the Conservatives and the NDP were all going to vote for this. The NDP, I think, have made it quite clear that they're going to vote for this, and that's fair, but they should have a chance to record that so that people in their riding will understand this, will be able to look at that and say, "My member voted for this." I wonder how the member from Niagara Falls on the Liberal side, he or she, would like to vote. Would the member from Thornhill, if they're here, like to vote for this?

There's the Minister of Agriculture. I'm sure he would like to vote for this, because he has a lot of people who

depend on him in rural Ontario. You know that, and you're doing your best, as far as I'm concerned, to help us out in rural Ontario. But you know something? Rural Ontario is about 90% against this bill. You represent a lot of farmers and they're looking for your leadership, but if they don't give you a vote, how are we going to know how you voted? If it's one of these voice votes that's supposed to be so democratic, how are we going to know that? So I would hope that the Minister of Agriculture has a chance to say no or yes for this vote. I would hope so.

1600

I'm sure the Minister of the Environment would like to have her say. I don't think she's had a chance to debate this. After I have my 47 minutes, there will be time for her to get up. The Ministry of the Environment represents a lot of rural people. Her area, her riding, is rural, and I'm sure she's done her own polling and knows what the people in her riding want. You should have a right to stand up and say this—not some voice vote that says yea or nay. You should have the right to stand up and go back home and say, "I voted for this," or, "I voted against it." If we don't get that right, then democracy isn't here.

I'm sure there are many more Liberals over there. Mr. Caplan, you met with a lot of people at ROMA. You did an excellent job. I commend you for that. So did the Minister of the Environment. She worked tirelessly down there. Now, though, you're going to come here, where you work, where you come and debate, and where you help people out, and you're not going to get a chance to vote for this. You say you'll vote for it—that's fine—but then, when it comes to the recording, that's where it counts. Hansard: Everybody replies, "What did it say in Hansard?" That's the law here. Hansard will tell you.

I understand there's a deal that says we're not going to get that chance. I know. Bad, eh? You're not going to be able to say to your people, "Yes, it's right there. I voted for it," or against it, whatever you want to do. You say you're for it? That's fine. That's your privilege, and that's why we get elected. That's why we have democracy. But they're not going to give you that right in this House.

Mr. Phillips there is another fine man. I'm sure he'd like to have his say on this. He goes way back. He's been here for a long time, and I'm sure that he believes in democracy, or he wouldn't have gotten elected all the times that he got elected here. I'm sure that he would like to see himself on record as to how he voted in this. He must have opinions on it. I'm sure he does. He has opinions on most things. I don't always agree with his opinions—sometimes he's right; sometimes he's wrong—but he should have a chance to vote in this House, to vote and say yes or no to a recorded vote, a free recorded vote. That's what democracy is about: freedom. I would hope that Mr. Phillips gets that chance.

Mr. Ramsay is a northern member. I'm sure he would like to see how this vote goes.

Hon. David Ramsay (Minister of Natural Resources): I vote aye.

Mr. Murdoch: He's going to vote for it. I have to help him out, because they're not going to give him the chance to put it on the record. Now, do you call that democracy? I don't think he would call that democracy if he had a chance. He may get a chance to debate this after—I don't know—but we will give you that chance if you just stand up when we need someone to stand up over there. I don't know how many will here—I'm not so sure—but I would think that you would want to have your name on the record as to how you voted, and you won't get that unless we have a recorded vote in this House.

There are many more over there. Looking at the Minister of Community Safety, the old Solicitor General, we used to call you—not you personally, but that's what we called it, "Solicitor General," when Mr. Runciman was Solicitor General. I'm sure both of you guys would like to have your vote on this, but you're not going to get that chance. If this thing is swept under the rug with a yea and nay—"I believe the ayes have it"—then this bill goes away. That's what everybody wants it to do. If you have the fortitude to put a bill through, then let's stand up and say whether you support it or whether you don't. That's what I thought I got elected to do: come down here and say, "Yes, I think they've got a good bill," or, "No, they don't."

I can go back when the NDP were in government. They brought a bill and I ended up the only one on this side—we were on this side then—supporting your bill. It was a good bill. It had to do with labour laws. It gave autonomy here in Ontario, our local unions, some control over the unions in the States. I ended up voting with you. There was nobody else. That was my right. It was a recorded vote. I had a chance to stand up and say yes. Today, you're trying to take that away from us.

It's just too bad that the House comes to this, that we have to make deals, because what this is supposed to be about is that we have a government in power, and they're supposed to look at different laws and bring in laws that they think should be in Ontario. Then we have a chance to debate them, which we are doing today at third reading. I understand now that we weren't supposed to do this. But you know something? The House leaders never talked to me about this. I think he talked to a few others, but they never came to me. Isn't that funny, Garfield? They never came and sat down beside me. They didn't want us to do this. Where's the democracy there?

I must be getting a bit boring: Some people are leaving. But I'm sure they'll come back pretty quick if I quit talking. What do you think, Jerry?

I just think that this is not right and that we should have a chance. When we get elected, we go through the elections, and we all work hard to get elected. You go out there and you ask people to vote for you. You tell people that you'll come to Queen's Park and debate bills, you'll look at things that the government brings in, you'll decide what you think they want, and then you'll vote for them. As I see it, they don't want us to do that here any

more. They want to let two or three people make a deal, and we just get rid of it and get on to something else.

Well, you brought this up and, quite frankly, I think we're getting pretty lenient when we said, "You bring it in on a Tuesday, you get second on a Wednesday, and on the third we'll vote on it." That's being pretty fair, but let us vote the way we want to. Let us have a vote on it at least, if we're going to do that. Again, I guess that's not the way things work any more in the real world. We make deals and then we just push it through.

Maybe we should be using this time—and I think it would be much better—to discuss health issues. Our health care system certainly needs to be overhauled. Again, the government of the day decides that this bill is more important and will bring it in. I'm surprised that this bill outdid the pit bull. The pit bull is not here yet, as far as I understand. This bill got ahead of that, yet they're not going to let us vote on it.

I know there are many people out there, in my riding especially, who have phoned and said, "We want to know what our members are saying." We did have some calls from Barrie, calls from Orillia and a lot of calls from down in the Windsor area, saying, "We want to know how our members down here are going to speak on this or how they're going to vote at least. We may not hear them speak in the House, but a recorded vote goes in Hansard and the public of Ontario have a chance to look at that."

Interjections.

Mr. Murdoch: Maybe we will have five Tories, but this is debate time, is it not? Do we not debate third reading sometimes in here?

Mr. Bisson: As much as you want.

Mr. Murdoch: There you are. I knew that the NDP would be in favour of debate. That's good, and I hope that the member from Timmins has some good things to say. I'm sure that he'll want to show what his vote is going to be. Maybe he can stand up with us. The member from Timmins can certainly stand in his place and ask for a recorded vote. Hopefully, he will.

We are down to third reading of this bill and—

Mr. David Zimmer (Willowdale): There's 38 minutes to go.

Mr. Murdoch: I'm sure that you're going to speak on it for whatever time you'd like to speak on it. I noticed that you spoke yesterday on this and that you're going to support it, which is fine; that's your privilege. But don't you want to get your vote recorded? Don't you want the people in your riding to know how you voted on it? You obviously felt passionate about it. I heard you speak on it yesterday. I would assume that the member would want to have his name in Hansard, saying that he voted yes. But if you have a voice vote, that won't happen. You have to stand up and make sure that we don't have a voice vote then.

I can see that a lot of people over there seem to want to have their vote recorded. It will be interesting when you call for the ayes and nays. Will there be five who stand up in here? I certainly hope so, but maybe not.

Maybe democracy is dead in this House. Maybe it is. I guess we'll have to wait until the end of the debate, until you call the question, and then we'll find out whether democracy is dead in Ontario or not. We'll find out whether the Liberals said something and they meant it. There were a lot of things they said in the election and, unfortunately, they couldn't keep their promises. But one promise was that we would have democracy in this House; it would be different than before. Boy, it doesn't sound much different to me. We've gone through this before, so it certainly doesn't. But we'll see.

1610

I know the House leader of the government is not happy with me. That's unfortunate. There, he's smiling now. That's better. You didn't want this to happen and you thought you had a deal but, unfortunately, sometimes deals don't always go. Sometimes deals don't always happen.

I'm looking forward to the NDP certainly using their time in this debate. There were a lot of people on your side when I started who seemed to want to get in on my time, so I'm hoping that when their time comes, they take the time to do that. And you've never been lost for words, House leader, so I'm sure that when your time comes up you'll want to explain to us how we're going to have a recorded vote, a free recorded vote. I'll be looking forward to that.

I'm getting out of water, so I might need some more. I've got a bit of time. Make it two; might as well get two when you do this.

Hon. David Caplan (Minister of Public Infrastructure Renewal): You have half an hour to go.

Mr. Murdoch: Yes. We'll be able to talk about different members and how they want to vote. If we can't get it on the record on a free vote, maybe then we can get it in the House now. If someone over there wants to vote yes and they would like me to read it out, I certainly would. But do you know something? I think a lot of people don't want people to know how they vote. Did you ever think that maybe there's something underlying? What do you think, Mr. Ouellette? Maybe there's an underlying thing here: People don't want it known how they vote. How many members are there in the NDP now, and I can't believe they won't all stand up for a recorded vote. Pretty well every time we have a vote here the NDP stands up and wants a recorded vote because they want democracy. I may not agree with their type of democracy, but they want democracy. They want people to know how they voted because they believe in what they do.

Mr. Prue, I congratulate you on being one of the new Speakers. I know you'll be fair. I have no problem with that. I know you feel passionately about what you believe in in this House, and I also know you want your vote recorded. You want to be able to go home to your constituents and say, "I voted for that. I voted for that and it's right in Hansard; I can prove it." If you have one of these voice votes, like yesterday—it was pretty limp when the Speaker said, "All those in favour," and there were a whole lot of ayes, and "All those opposed," and

there were a whole lot of nays. But you know what the rule is around here: "The ayes have it," and that was it. I think some people stood—

Interjection.

Mr. Murdoch: OK, you're telling me. I couldn't see that from the camera, but there were three people who stood up to want democracy—only three people. How many are there here—103? So 100 people in this House yesterday on second reading didn't care about democracy—didn't care.

Interjection.

Mr. Murdoch: Yes, that's what I said. So there were 100 people in this House who didn't care about democracy.

The member from Perth, I'm sure—and I did hear him speak but he never really said he was going to vote yes or no. He got on the record and I think—

Interjection.

Mr. Murdoch: Well, I couldn't tell from your speech how you were going to do that. That nice old lady didn't find out either—you know, the one you talked about at the fair. I listened to your speech. You want me to get on the record because you might not get a chance. He might not get a chance to get on the record. Did I hear a yea or a nay? I didn't hear a yea or a nay. Do you want this bill or not?

Interjection.

Mr. Murdoch: I heard your speech and you didn't really say. You didn't let us know.

Mrs. Van Bommel is from a rural riding and she stated that she was in favour of this bill. She came right out and said so. That's her privilege. That's in the debate. Now we'll go to the vote and we won't know how she voted. No one will know back home how she voted. We just won't know.

On our side of the House, I think four or five spoke. Don't roll your eyes. Maybe the member from Windsor will speak next. I'm sure she will. I was going to talk about some of the members on our side of the House who spoke yesterday and said they would or they wouldn't. I think we had one over here who said he would vote for this. I didn't hear any other people do that. That's his privilege. But we're not going to get a chance to get our vote on the record.

Interjection.

Mr. Murdoch: You got yours on yesterday, but on the debate. When that vote comes down and when it's a recorded vote, that's where you want to have your name, don't you? You want to be able to go home and say, "Look at page so and so of Hansard. It says yes or no, the way I voted," and it's there. Without that, you're just going to say, "Well, a bunch of people yelled in the House and the Speaker thought the ayes had it, and that was it."

Our member from Orillia is here. He came all the way down just to be here to vote. I'm sure you want to hear your name on the list. When they call the member from Simcoe North, "How do you vote?" you want to be able to say yes or no. That's why you drove down here to do

that. It would be an awful drive all the way down and then to have this voice vote and some say "aye" and some say "nay." What are you going to do? It sounds like we're in a barn somehow and a bunch of horses are neighing.

Mr. Bisson: Neigh.

Mr. Murdoch: Yeah, there you are. The member from Timmins has it pretty good, but he's been here for a long time.

Interjection.

Mr. Murdoch: I know. You're looking at me. I've got half an hour yet.

Interjection.

Mr. Murdoch: I'm sure the NDP are going to take their 60 minutes—I'd hope—in democracy.

We're here again today debating Bill 171, An Act to amend various statutes in respect of spousal relationships. This was really important to the Liberals to get through, before they bring in their pit bull legislation, I guess. They did get their greenbelt legislation done today, which was one of their key legislations. I don't know whether it was that good or not. It was the Liberals', and they'll live and die with it. That's fine. We had a chance to vote against that. You know something? We stood over here and said no. We had a recorded vote on that bill.

What I'm saying is, we better have a recorded vote on this bill. We didn't even talk about that bill, whether it was recorded. You just let us have the recorded vote. I'm sure on this bill you will do that.

Mr. Speaker, I'm looking forward to—

Mr. Peter Kormos (Niagara Centre): Craitor will stand with you, Billy.

Mr. Murdoch: I hear the member down here from Welland that maybe—maybe he'll stand with me.

Mr. Kormos: Kim Craitor will.

Mr. Murdoch: I'm hoping some Liberals will. You'd think there would be a few Liberals who want some democracy, wouldn't you? You would think there would be at least one Liberal. We need maybe two. If we could have two Liberals just say, "Hey, I believe in democracy. I got elected. The people sent me here." They're not jaded already. Surely there are some new people over there—that back row up there, surely you guys understand that. You got elected to come here to vote. You didn't get elected to come here to be told what to do. That's what's happening to you. It happens here all the time. Don't feel bad. The other governments weren't any better. You guys, wouldn't you like to be able to see on the record how you voted? I think you would. I would hope you would. I would hope you'd want to have some democracy in this place.

Again, I was talking about some of the members on this side. I know there are quite a few who would like to see their name there, but we'll find out when we come to it. I guess with me talking—I hope everybody's in the backrooms because quite a few have left. Sometimes you do a speech and you notice everybody at the back of the room is sort of yawning. I've often asked them, "Can you

hear me back there?" and they say no and everybody in the front rows went to the back. That's sort of like today. There are a few of them.

I'm proud that the House leaders are staying here. That's one thing; they're hanging around. I guess they're the ones who made this deal that we're not going to get a chance to have a true vote. I believe the NDP will probably say—hey, when you guys didn't have enough members, I tried to come to your rescue and help you out. You remember that? I know Mr. Prue remembers that quite well.

Interjection.

Mr. Murdoch: I don't think it's that bad. I think they appreciate the fact that I thought they should have status here. Now I'm saying we need your help. I can't convince enough in our party—oh, I've got another letter. Maybe it's telling me to be quiet. Oh, this is a story. This probably talks about the deal. Oh, oh, this is just a news flash: "Liberal MPP Kim Craitor (Niagara Falls) supports the section of the new bill which protects clergy from performing marriage ceremonies against their will, but doesn't support the rest of the legislation." Are you going to get a chance to vote on this, I wonder?

1620

Let's see what else is here: "Craitor said he will vote against the bill since it also redefines marriage.

"It's a shame the bill can't be split."

I agree with him on that. I agree, and it's too bad there aren't two bills here. If we had two bills, some of us over here could support part of it and some of us couldn't support the rest. That's a Liberal guy, and he's not going to get a chance. They're not going to get a chance to vote on this.

Listen to this now, if there's anybody near Niagara Falls: "The Niagara Falls MPP said he has heard from his constituents." That's good. They're listening. That's what you're supposed to do here. That's why they sent us here. They "don't support redefining marriage. He will cast his vote to reflect their will." Well, Mr. Duncan, do you hear that? That's one of your members wanting to vote now. I hope he's here to stand up and help us, or have you sent him home? Have you said, "No, you've got to go back to Niagara Falls. The Falls have gone dry," and sent him back? That's what happens around this place. It has happened too many times.

But there's somebody who wants the right to vote against this bill in your government.

Mr. Kormos: Then why doesn't he stand up, Billy?

Mr. Murdoch: Maybe he will, if he's here. Where does he sit? I don't know where he sits.

Interjections.

Mr. Murdoch: No, not me. They're not talking to me. I'm talking to you, Mr. Speaker. I'm talking about Kim Craitor. Where is he? Is he here yet? He might be out back. He'll be here. I wouldn't want to say that anybody isn't here. I would not do that. Everybody is here as much as they can be. Sometimes they can't be, and that's acceptable. He wants to vote against this.

Isn't this something? All you people listen to this, to your own person, to your own member: "'That's who I am accountable to,' said Craitor. 'That's what democracy is all about.'" I'm in here talking about that now. You've got a Liberal telling me this. Are you going to listen? Well, I guess we're going to find out in another 24 minutes.

Now, the member from outside Sudbury is here—

Ms. Shelley Martel (Nickel Belt): Nickel Belt.

Mr. Murdoch: Nickel Belt, yes. Well, it's around Sudbury. I'm hoping you'll stand and support us for a free recorded vote. That's all we want. You can vote whatever way you feel is right, and that's why you're here.

Ms. Martel: I'm voting in favour. What are you doing, Bill?

Mr. Murdoch: I'm voting against it. If I get that chance, I'm going to vote against it. But will I get that chance? Unless democracy is here, I won't. I've always said that the NDP believes in democracy—in a different way than we do maybe, but they do believe in it. Do you not think you'll stand, then, and help us out on this? I'm looking for your help. When you needed help, I was there to try to help you people out, so I hope you'll come here and try to help us.

I see Lou Rinaldi coming in. How does he want to vote on this?

Mr. Lou Rinaldi (Northumberland): You'll have to wait.

Mr. Murdoch: Well, we're not going to find out, Lou. We may not find out how you want to vote on this if we don't get a recorded vote. Do you think it's going to be heard if you say yea or nay from way down in that corner? I don't care how you vote; that's your business.

Interjection.

Mr. Murdoch: You didn't have a vote yesterday. Now, the member—what's your riding?

Mr. Rinaldi: Northumberland.

Mr. Murdoch: Northumberland. The member from down there asks where I was yesterday. I wasn't here, but I watched it on TV. There was no vote here. It was a voice vote. I didn't hear you at all. I couldn't hear you, so I don't know how you're going to vote.

Interjection.

Mr. Murdoch: That may be so. I was trying to stick up for you, but if you don't want to be nice, then that's fine. I just want to know how you want to vote. If you don't care that you don't have a vote, that's fine. You can go back home and tell your people, "I don't care whether I get a vote or not. It doesn't matter." Maybe that's true in your party. Maybe it doesn't matter. Maybe the Liberals just say, "Go home and tell your people that somebody will look after you and don't worry about it." Do you not want to see your vote recorded? That's all we're asking.

As you say, the Minister of Health is here, and I'm sure I know how he's going to vote, and that's fair. That's his own business. But we're not going to know unless you have a recorded vote. I'm sure some of you

people over on the other side, and maybe some more here, will stand up and vote with us.

All we're asking you to do is stand up. Five people have to stand up, and we get a recorded vote. If some people have gone home because they couldn't stay and they thought this vote was going to be right away, then I'm sorry about that. But I think we have to have some democracy left in this place. We should have a right to express our feelings and we should have a right to vote.

If we're going to have a recorded vote, I have no problem leaving it until Monday. That's fine. That's what we do sometimes on Thursdays: We defer the vote until Monday. But I believe we should have a recorded vote. I want to know how everybody else is going to vote, and the people of Ontario want to know how you're going to vote.

So on this bill that they are bringing forward, which I think both parties have bent over backwards to allow to come through fairly fast—sometimes bills take months to get passed through this House. This bill has had three days, and can be passed in three days; fine. It's the prerogative of the government to do that if we agree. We agreed on that. But I certainly made no deals not to have the votes recorded. That's the thing that bothers me, and I wasn't even going to get a chance to tell you that.

Then we were told not to put in petitions because they wanted to get this over with. I'm surprised there were no petitions from the Liberals, and there weren't any from the NDP. I don't know what happened today. Michael Prue, what happened? You always have petitions.

Mr. Michael Prue (Beaches—East York): I didn't have any.

Mr. Murdoch: I could have given you one.

Interjection.

Mr. Murdoch: Well, yeah, a little late. I can't believe it. This is the first time, I think—I have been here 15 years—that I haven't seen a Liberal or an NDP have a petition in the House.

Hon. Mr. Caplan: Jim Bradley had one.

Mr. Murdoch: Well, yes, Jim always has one, but where's Jim? You sent him home. Jim's gone to St. Catharines with the guy from Niagara Falls. They've gone back home to check the Falls out.

Hon. George Smitherman (Minister of Health and Long-Term Care): That's because the Premier is there tonight.

Mr. Murdoch: That's nice. George tells me that the Premier is there tonight. That's nice, George. But do you not think it's probably important to vote on this? I'm sure you think this is an important bill.

Hon. Mr. Smitherman: I was waiting for you to get around to—

Mr. Murdoch: We would do that if you can tell me you're going to have a recorded vote. I have no problem.

Hon. Mr. Smitherman: I'm with John Tory on this one.

Mr. Murdoch: That's fine. You can be. That's your privilege. If you want to think we shouldn't have the

right to vote in here, that's fine. The Minister of Health doesn't think we should vote. Well, I can't help that.

Interjection.

Mr. Murdoch: What's that guy up there saying now? I didn't hear you. I just didn't know whether you wanted to get your name on the record that you wanted to have a vote or not.

George, I always thought you would want democracy in the House. Why wouldn't you want us to have a vote? Why wouldn't you want to know how I was going to vote? I thought you were interested enough in things that go on around here that you would want to see how all the Tories, all the NDP and all the Liberals are going to vote. You'd think you would want to know that. But you don't know. Sure, you're going to yell; that doesn't mean a thing. I couldn't hear you yesterday. I wasn't here yesterday. Maybe you were.

Hon. Mr. Smitherman: That's all you've got—yelling.

Mr. Murdoch: Now he's saying that's all we've got. That's because you won't give us the freedom of a vote. Mr. Speaker, there you have the Minister of Health: He doesn't believe in democracy. I always thought he did. I thought the Minister of Health was trying to help out people with health problems. But now he's telling us he doesn't believe in that; he doesn't believe in having recorded votes.

Hon. Mr. Smitherman: Who has the worst voting record in the Legislature?

Mr. Murdoch: I have no idea. If you can prove that, then you go right ahead. I will look for that any time.

Interjection: We can prove it.

Mr. Murdoch: Oh, I'm sure. You look at everybody else's dirty laundry; you might as well be looking at mine, guys over there. You might as well. I'm sure that's what you've been doing every day. I knew you Liberals were up to something over there. You're looking at everybody's dirty laundry again. Way to go, George. You're just right in top form tonight, George. All we're asking over here is a chance to have a free, recorded vote, and then you get into the dirty laundry and everything else.

As I said, it's democracy we're asking for. I can't believe this.

Did you want some of my time, Mr. Baird, or not? If you're going to talk back and forth, if you want some of my time I'll certainly give you some of it, if that's what you want.

Interjections.

Mr. Murdoch: Well, no, I'll give it to—I'm not going to give him too much. Don't worry about that. I'll give him a little bit to wind up, because I'm sure he wants to say something. He's been itching there, and he's talking to George, so I'm sure he wants to.

1630

Hon. Mr. Caplan: Who is the whip over there, anyway?

Mr. Murdoch: Who's the Liberal over here?

Hon. Mr. Caplan: The whip.

Mr. Murdoch: Oh, the whip. The whip's here.

Interjection.

Mr. Murdoch: It doesn't matter where he is sitting. He's sitting here. He's in here, like your whip sitting there.

Hon. Mr. Caplan: I'm just asking.

Mr. Murdoch: Well, I'm sure if you ask the gentleman sitting beside you, he will tell you who the whip is on the Conservative side. And you know all the members are here when they can be. Some can't be at times, but most members are here when they can be.

Interjection.

Mr. Murdoch: Oh, now George is going to tell us he's not here when he doesn't want to be. I don't know about that guy. Every time you try to be nice to him, he gets mad.

Hon. Mr. Smitherman: I'm here quite a bit.

Mr. Murdoch: Nobody was talking about the minister, and he gets so upset. Maybe you're mad this isn't your bill. I don't know. It's Mr. Bryant's bill. He got to read it in.

As I say, we will vote on this bill, but we want a recorded vote. That's all we want. I don't see what's wrong with that. I think most of the people of Ontario can't see what's wrong with that: to have a recorded vote, a free recorded vote. That's what we're supposed to be: a free country.

If the Liberals want to take that bit of democracy away—I mean, you win all your votes. When do you lose one? You have the majority. You are the majority government, and we all realize that. We have a chance sometimes to say we don't agree with you but, in the end, you're going to win. So why should you prevent us from having a recorded vote?

Hon. Mr. Smitherman: Like Bill 5 in 1999?

Mr. Murdoch: I don't remember 1999. What's that one about, George?

Interjection: You were there.

Mr. Murdoch: I'm not saying I'm not, but when George gets his time to speak, and I'm sure he will debate, he will tell us about that bill. There's time coming up after I'm done. You'll get your chance over there as a member to speak, and you can tell us all about what bill that was, whatever bill it was.

Interjection.

Mr. Murdoch: Oh, I see. Hey, you might not know where I am, George. Maybe I'm looking after some other aspects of your other adopted part of the riding, but that wouldn't matter. He gets upset. He's sensitive, terribly sensitive. That's pretty rough for a Minister of Health to be that sensitive but, hey, whatever. We would all like to know how he's going to vote on this. He can say what he wants, but we won't know if we don't have a recorded vote. We just won't know. When I get down to about five or six minutes, I certainly will give—

Interjection: I want 12.

Mr. Murdoch: Oh, all right. I've got a gentleman here who wants some time to speak.

Interjection.

Mr. Murdoch: I hope so. They should be. This is democracy, isn't it?

Interjection: The press can hardly wait.

Mr. Murdoch: Well, they want to know how we vote. I'm sure the press wants to know this. Aren't they part of this? Maybe we should let them come down and tell us. I'm sure they want to know how everybody's going to vote on the Liberal side. I thought the press was part of democracy, but maybe it isn't any more. They don't want you to know how we vote, either. They certainly don't. Nobody here. Yesterday, three people said we want to know how we vote, and 100 said no. Isn't that democracy? I tell you.

Well, I'm going to let my two friends on this side here have a bit of time, and then we'll look for the debate from the NDP and then from the Liberals. Then we'll have our chance for a two-minute wrap up. Thank you.

Mr. Jerry J. Ouellette (Oshawa): Issues of conscience are very difficult for a lot of people to discuss. I have a difficult time, as I expressed in my comments yesterday, and I thank you for the opportunity to speak. When I was trying to prepare for the discussion yesterday—and I limited the amount of time that I tried to speak, because I'm somewhat passionate about this—I asked around on how and what I should talk about.

Each of us gains inspiration from different aspects of life. Sometimes, once in our life, it may have been a song—Stairway to Heaven, or now maybe it's Always and Forever—or for some, it could be through scripture and the beliefs in scripture, but it's that inspiration that sets us moving forward, that causes us to become members of a Legislature and, in our case, the provincial Legislature. It happens in so many ways, whether it's Humphrey Bogart putting out that cigarette and twisting his foot on it, and saying, "Play it again, Sam," it's that inspiration that makes the difference for all of us. It's the ability to stand up and speak and say our conscience.

In regard to Bill 171, I asked around, as I said, and when I asked my kids how I should speak and what I should speak about, my eight-year-old said, "Dad, why don't you talk about family?" At that, I remembered back in the very first caucus meeting in 1995, when we sat down and our leader at that time, the new Premier Mike Harris, stated to us, "What I want you to remember is one thing, and one thing very clearly: Family first, constituency second, and all other responsibilities after that."

When you look at that, my concern today is that the legislation that is going to be brought forward is going to substantially change what's going to take place in the view of the family. How will it change? Change is very different for many different people in many ways. Some will think positive and some will think negative. As I said, when dealing with issues of conscience, it's difficult for all to stand up and speak their mind.

I had a great-aunt who lived in Hearst, Ontario. Three generations ago, she had 26 kids. She delivered them all herself, except for the last one, where she had a midwife. Three generations later, we want it all. We want the new cars and the big houses. Believe me, my kids are just the

same. They've got the GameBoys and the PlayStations and all the other bells and whistles. We live in an era of fast food and immediate gratification. Our mindset is changing so quickly that it's actually so complicated that it takes a kid to figure it out sometimes.

My concern here is that the legislation, as I see it, is going to change the social, spiritual and sociological structure of what takes place in Ontario for generations to come. That's my belief. Bill 171 will effectively do that, I believe.

On whatever side of an issue we may be, we should all be given the ability to speak. Many have spoken here on all sides of this issue.

It has been said that we satisfy our endless needs and justify our bloody deeds, all in the name of destiny and all in the name of God. Many of us will look to this as not a starting and not an end, but a midpoint for things to come. It is also said that the trouble with normal is that it always gets worse.

With that, I know that one of my colleagues would like to make some comments, and I will be seated.

I will stand, as everybody knows my position on this issue.

Mr. Garfield Dunlop (Simcoe North): I'm very pleased today to make a few short comments on Bill 171, the Spousal Relationships Statute Law Amendment Act.

I'm someone who believes in the many traditional values and customs that we have in our country and our province; for example, the Queen and the royal family—I'm a strong supporter of the monarchy; the British parliamentary system and the electoral system that we have today; our provincial and federal emblems and slogans; the Lord's Prayer in this assembly; and all of the religious symbols in this magnificent building. And, of course, I believe in the traditional definition of marriage, that being a marriage between a man and a woman.

This is not to say that I do not respect the opinions of others in this House. We are all entitled to our opinions. Often, our opinions do not support what is law or what is determined by our judicial system.

My opinion is that marriage is a sacred institution. I simply do not believe that any relationship other than the union between a man and a woman can determine a true marriage. This is my opinion. I believe that the decisions of the court surrounding the definition of marriage do in fact undermine traditional family values.

In a democracy, we are still entitled to our beliefs; I hope everyone would respect that. I believe that Bill 171 further undermines traditional family values. For this reason, I will not support Bill 171.

As I said earlier, I believe in the traditional definition of marriage, that being a marriage between a man and a woman.

I appreciate the opportunity to speak to this today.

1640

The Acting Speaker (Mr. Joseph N. Tascona): Questions and comments?

Mr. Bisson: I want to quickly put on the record that I hear the arguments that my colleagues are making. I

respect that they have that view. They hold that view deeply, and I respect their particular point of view.

As I said yesterday, sometimes the voters are further ahead of us than we give them credit for. If you look at where society has come over the last 15, 20, 30 years, I think society has changed a great deal, to the extent that we look at this issue from a much different perspective.

What we also have to keep in mind—I think Mr. Kormos raised it quite well in the debate yesterday—is that if you look at what this particular bill does, it doesn't deal with the definition of marriage; it doesn't deal with any of that. We made a decision a couple of years back in order to deal with the issue of marriage in the province of Ontario. It was a bill that the Conservative government had brought forth that we voted for. We extended that right to individuals within Ontario. This Legislature did that at the time. I believe it was unanimous, if I remember correctly: Conservatives, New Democrats and Liberals stood together unanimously to give people of the same sex the ability to marry within Ontario. We did that unanimously, and if I remember correctly, there was not a divided vote on that particular issue. Every member had an opportunity to get up and divide. Some of the gentlemen who got up today and said, "You know, we should divide today," had an opportunity to do that when we originally extended the right to do this back some years ago.

So let's deal with this for what it is. This is in order to bring the statute into line with what the law already is. It doesn't deal with the extension of any rights. It doesn't deal with anything other than making sure that all of the acts within the province of Ontario comply with what is already in the bill, which is already the law.

Mr. Ernie Hardeman (Oxford): I want to make a couple of quick comments to the presentations made on this bill. I just want, I guess, to clarify. I had the opportunity to speak to this bill on second reading and put on the record that I will not be supporting this bill. Then, as I listened to the presentations, they're somehow inferring that when I say no, my vote doesn't count. I just wanted to point out that a voice vote is exactly the same as a recorded vote, only it is not written in the record that way. I just wanted to clarify that my non-support for this bill is unequivocal; I will not be supporting this bill.

Mr. Prue: Mr. Speaker, I felt that I should take at least the two minutes here today as I was in your chair yesterday afternoon when this was first debated and, of course, would not have an opportunity. As was said on that occasion by Mr. Kormos, the member from Niagara Centre, New Democrats will be supporting this bill. I will be supporting the bill, and I think all of us will be supporting the bill. Whether there is a recorded vote or not, there are eight people in this caucus who will be saying yes to Bill 171. We believe it is good law. We believe it is reinforced with the view of the courts, and we think that it is a provision of equality.

When I listened to the debates yesterday, there were some very good speeches that were made on both sides of the issue. Clearly, this House grants an opportunity for

every member to make his or her view known. If you choose not to speak, you can still say yes or no, but if you choose to speak, even if it's only in a two-minute question and comment, you have that opportunity to do so. You can say whether or not you are in agreement with the bill, in agreement with the previous speaker, whether you're going to support the bill or not support the bill. There was adequate time on the last occasion and today for literally every member to stand up at least for two minutes and say how they felt.

Ms. Marilyn Churley (Toronto-Danforth): And all three House leaders—

Mr. Prue: The House leaders sat down and they agreed that the provision would be that we would deal with it in this particular way. I am saddened that some members in some caucus do not feel that they were adequately consulted. I know we were consulted in our caucus. We had a unanimous decision, and we made it.

I look forward to the bill. I look forward to saying "aye," or I look forward to standing in my place, whatever the decision of this House is. If five members choose to stand and ask for a recorded vote, those are the rules that we have adopted.

The Acting Speaker: Further questions and comments?

In reply, the Chair recognizes the member for Bruce-Grey-Owen Sound.

Mr. Murdoch: In my two minutes to wrap up, I find it disappointing that there are people who really don't think that the recorded vote is that important. Again, that's their privilege if they don't, and if they're satisfied with their voice vote, that's fine. I happen to be one who isn't. I think that the recorded vote is a very important thing here. A free vote is very important, and I call it a free recorded vote. I think that the voice vote is not a good way of doing things and that the proper way is the recorded vote, to make it quite sure that I'm opposed to this bill and will be voting against it.

One member mentioned that the courts ruled on this. I have a problem with the courts. I got elected. I've never known a judge yet who got elected in Canada. I think sometimes they—

Interjection.

Mr. Murdoch: Ontario especially. I don't know judges who get elected, so sometimes I think they make their own laws without consulting the people. Quite frankly, this might be one of them. So that doesn't hold a lot of water with me when someone gets up and says that the judge says we have to do it this way.

I'm looking forward to a recorded vote and, hopefully, there will be five people who will stand up at least—five more can stand up if they want—and that we get a recorded vote. It won't take that long. If it's time we're worried about, it doesn't take too much time to have some democracy in this House.

The Acting Speaker: Further debate?

Mr. Frank Klees (Oak Ridges): I spoke on this bill during second reading, so I won't take any more time with regard to the particulars of this bill, but I think it's

important that people who are observing this debate understand what this discussion has been about for the last hour. For many people here, this is inside baseball. What I think is important is that our constituents fully understand how the voting procedure in this place really works.

First of all, let me point out that there are only 25 members of the Liberal caucus in this place—25 out of the entire caucus. If you, sir, were to call this vote at this very moment, only 25 members of the Liberal caucus would have the opportunity to express—

Interjection: No, you have 30—

Mr. Klees: Not on a voice vote, they don't. I'm simply saying that I think it's unfortunate that people don't have the view that we have here in this place.

Here is how the voice vote works. The Speaker calls for the yeas and the nays, and, yes, individuals on both sides have an opportunity to then vote yea or nay. At that point in time, it's the Speaker who makes the decision as to who wins the vote. What will happen at that point, according to the rules of our place here, is that if at least five members of this House stand up, they then have the opportunity to have a recorded vote.

For those people who are watching this procedure, I ask you to consider this: Will there be five members of this Legislature who stand up and take the advantage of having a recorded vote? If there are, we will then have a recorded vote and, as a result of that, every member has the opportunity to stand in their place and, as Mr. Murdoch indicated earlier, in Hansard there will then be a permanent record of who voted yes and who voted no. Without that, we don't have a permanent record.

Interjections.

Mr. Klees: The Minister of Health was carping—

Hon. Steve Peters (Minister of Agriculture and Food): What happened in 1999?

Mr. Klees: The Minister of Agriculture is carping, "What happened in 1999?" And you're absolutely right. It was wrong—

Interjections.

The Acting Speaker: Mr. Klees, sit down. Minister of Agriculture, withdraw that now.

Hon. Mr. Peters: I withdraw my comment, Speaker.

The Acting Speaker: Either we're going to continue civilly here or not.

Interjection.

The Acting Speaker: What was that, Mr. Caplan? Do you want to withdraw that now?

Interjection.

The Acting Speaker: You call me partisan? It's your final warning.

The member for Oak Ridges.

1650

Mr. Klees: The Minister of Agriculture carps, "What happened in 1999?" Yes, I was the whip. That's right. What I'm saying in this place today is that it was wrong then and it's wrong now.

Laughter.

Mr. Klees: For the government House leader to laugh at me, and for the entire Liberal caucus to carp now when we're talking about what is in the best interest of the democratic process in this House—this comes from a Liberal Party that throughout the entire election campaign was advocating for more transparency in this place, for more openness in government. Now what we're simply asking them to do is to join with us, to have the courage simply to do one thing, and that is to allow people in this place to cast their vote in a way that would be recorded.

What are we hiding? What is the problem? Why, if they consider themselves so committed to this bill, will people not stand in their place and simply identify their vote in Hansard for everyone to see? People at home and people in the galleries must be asking themselves, "What is going on in this place?" What is wrong with this bill that you're not prepared to identify with it? What are we afraid of?

It's time that we match up with action—the Attorney General is saying yes; I assume he's agreeing with me. I assume he's willing to have a recorded vote. Is that correct? Will the Attorney General commit now that he will support a recorded vote? He's not prepared to answer that question. What is the Attorney General hiding?

I simply wanted people who are observing the proceedings here to understand what a recorded vote is and why it's appropriate to have it. I can't count the number of times, in the last couple of sessions of this Parliament, that we have had recorded votes simply to ensure that we sit evenings in this place. It's the NDP caucus on each and every occasion that has brought five members to their feet so that we would have the necessary bell for that vote. If it's important for us to have a recorded vote on whether we sit until 9:30 in this place, surely it's not too much for members to ask that we have a recorded vote for a piece of legislation that is historical.

I rest my case. I believe it's appropriate that we have a recorded vote. I will be one who will stand up and ask for the recorded vote. If I don't have four others stand with me, it won't happen.

The Acting Speaker: Questions and comments?

Mr. Marchese: Just to remind some of the members, when we introduced Bill 167 here many, many years ago, it was a difficult issue then, and it continues to be an issue for many people, but the majority of New Democrats then supported Bill 167, and all New Democrats now support Bill 171.

We are not shy about our support for extending whatever rights need to be extended to gay men and women, because we believe it is the right thing to do.

I respect individuals like the member from Oak Ridges, who wants to have a recorded vote. I believe he's entitled to that. And I believe that individuals who oppose this bill should stand up and insist on a recorded vote, because that is your right. Anyone from the Liberal caucus who feels strongly about not supporting this bill,

should, because if that is what you want, I want to be up here standing in my place saying, "I support Bill 171."

I urge the Conservative members who feel strongly about this to stand up and have a recorded vote, and I urge Liberals who are opposed to this bill to stand up and insist on a recorded vote so that I can join you in making sure my vote in agreement with this bill is understood by my constituency and by the general public in Ontario. I don't think people should be discouraged in any way from feeling good about their positions.

I want to say to you, my friend from Oak Ridges, I respect your right to be able to have your view on the record and your vote on the record. I hope you will find enough members in your caucus and the Liberal caucus to support you.

Ms. Churley: I spoke to this yesterday and I just want to reiterate a point that was made by our critic in the area and by myself and others. The law in this province has been absolute on this since June 2003. What we are dealing with here today is not groundbreaking. It is the law.

The Halpern decision, as Mr. Kormos said yesterday, was made by a learned panel based on section 15 of the Charter of Rights and Freedoms. We're talking about the Charter of Rights here and a law that is already in place. This is not a groundbreaking decision we're making here. That decision has been made by the courts, and the Conservatives, who were in power at the time, didn't appeal that decision. That was your chance. Bill 171 simply permits the statutes of Ontario to reflect the law that's already in place. Some of you in the Tory party wish that it weren't in place. That's your right to wish that. But for heaven's sake, this is a tempest in a teapot today. You can, I suppose, stand five people up and force a vote. That's the law of this place. If you want to do that, God bless; do it.

I don't know what kind of mess it would create overall if these statutes weren't changed, but I've been urging the government for over a year now to move on this, and finally they're doing it. It is the law of the land. We have to change the statutes, and you guys agreed with it at the time. You have to change the statutes to make it work properly. That is all we are doing here today, so let us vote. Let us get on with this.

Thank you, Mr. Speaker, for this opportunity.

Ms. Andrea Horwath (Hamilton East): Unlike several people in this House this afternoon, I've never had the opportunity in any way to stand on this issue, and I thought it would be important for me to do so this afternoon.

I have to say, if there is one thing I've observed in what has happened, over the course of today particularly, it is how much this issue has become about something totally other than what it was supposed to be about. I find that extremely unfortunate. It's the bafflegab and the changing of priorities around here as to what's important and what isn't that often leave people shaking and scratching their heads, thinking, "What the heck are those guys talking about?"

The bottom line is, what we're talking about is what all of my colleagues in this caucus have already gotten up to speak about, and that is the fact that this is the right thing to do; it's necessary to do it; it's important to have it done. Everyone in our caucus thought that that was going to be simply done today, in a way that was quite expeditious. Unfortunately, that has not been the case. But that's OK, because it does give an opportunity for those of us who feel strongly about it one way or the other to get up and say a few words. So I'm proud to be able to do that right now in questions and comments.

I do have to say that I would agree particularly with what has been said by my colleague Rosario Marchese, in that it's really interesting how people use the blame game to try to get out of responsibilities, either for their own caucus or their own initiatives. The bottom line is that it's quite clear. Everybody knows what the rules are here. Everybody knows how you force a recorded vote, and everybody knows what size each caucus is. It's interesting how somehow it has become the responsibility of somebody, but never the people who are extremely concerned about making sure this becomes a recorded vote.

Quite frankly, I'm happy either way, but I do want to say for the record that I am in support of Bill 171 and look forward to us passing it one way or the other.

Ms. Martel: Let me say just this in the two minutes that I have: Look, I think we all need to recognize that what we're doing is putting something in place that has already been decided in the law.

Mr. Marchese: In 2003.

Ms. Martel: In 2003. So we're not giving any new rights to anybody. We are confirming rights that have already been granted by the court. That the debate has taken even this long is astounding to me. That the debate has taken the tone it has is kind of astounding to me as well.

God, when I think of people coming through the doors in our constituency office, this doesn't even rank in terms of what's important to people. I'd rather be here talking about what we're going to do to deal with the fact that the Family Responsibility Office is still the number one issue in my office or that we still have so many people who have to deal with workers' compensation, who think they aren't getting what they're entitled to. We still have ongoing problems with birth certificates. Frankly, for the people who come through the door in our office, this is what's important to them. These are things they are worried about. This is not on the radar screen for people at home, and it shouldn't be on the radar screen, because it's already the law.

That we had to spend even more than five minutes confirming what is already in the law is astounding to me. That there would be some members who would be opposing what has already been the law, which the former government did not challenge, is astonishing to me as well.

From my perspective, we are all in support. We are all here. This is not an issue. Let us move on to the issues that really impact on people's lives. I've got to think that most of you have the same kinds of people coming through the door with the same kinds of problems I've just raised.

Get on with it. This is the law. I am supporting the bill that puts that in place. There are no new rights being granted here. We should just vote in favour and be done with it.

The Acting Speaker: Reply?

Mr. Klees: I want to thank the member for Trinity-Spadina because he spoke eloquently about the fact that he respects my right to want my vote recorded, and I'm going to look to him to stand with me in requesting that vote. I also heard the same from the member from Hamilton East. I will be looking to other members in this House, be that Liberal, NDP and, yes, within my own caucus.

As an individual member of this Legislature, I would like the privilege and the right to have my vote recorded. I would look to colleagues in this place, regardless of their political affiliation, to help me achieve that.

With regard to the reasons why I oppose this bill, I refer members to page 5333 of yesterday's Hansard. I stated very clearly why I oppose this bill. I can tell you that there are many of my constituents who support me in that decision as well.

The Acting Speaker: Any further debate? Are there any other honourable members who wish to participate in the debate? Seeing none, Attorney General, any reply? No.

The Attorney General has moved third reading of Bill 171. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those opposed to the motion, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move adjournment of the House.

The Acting Speaker: The House leader has moved adjournment of the House. All those in favour? Agreed.

This House stands adjourned until 1:30 next Monday.

The House adjourned at 1704.

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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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